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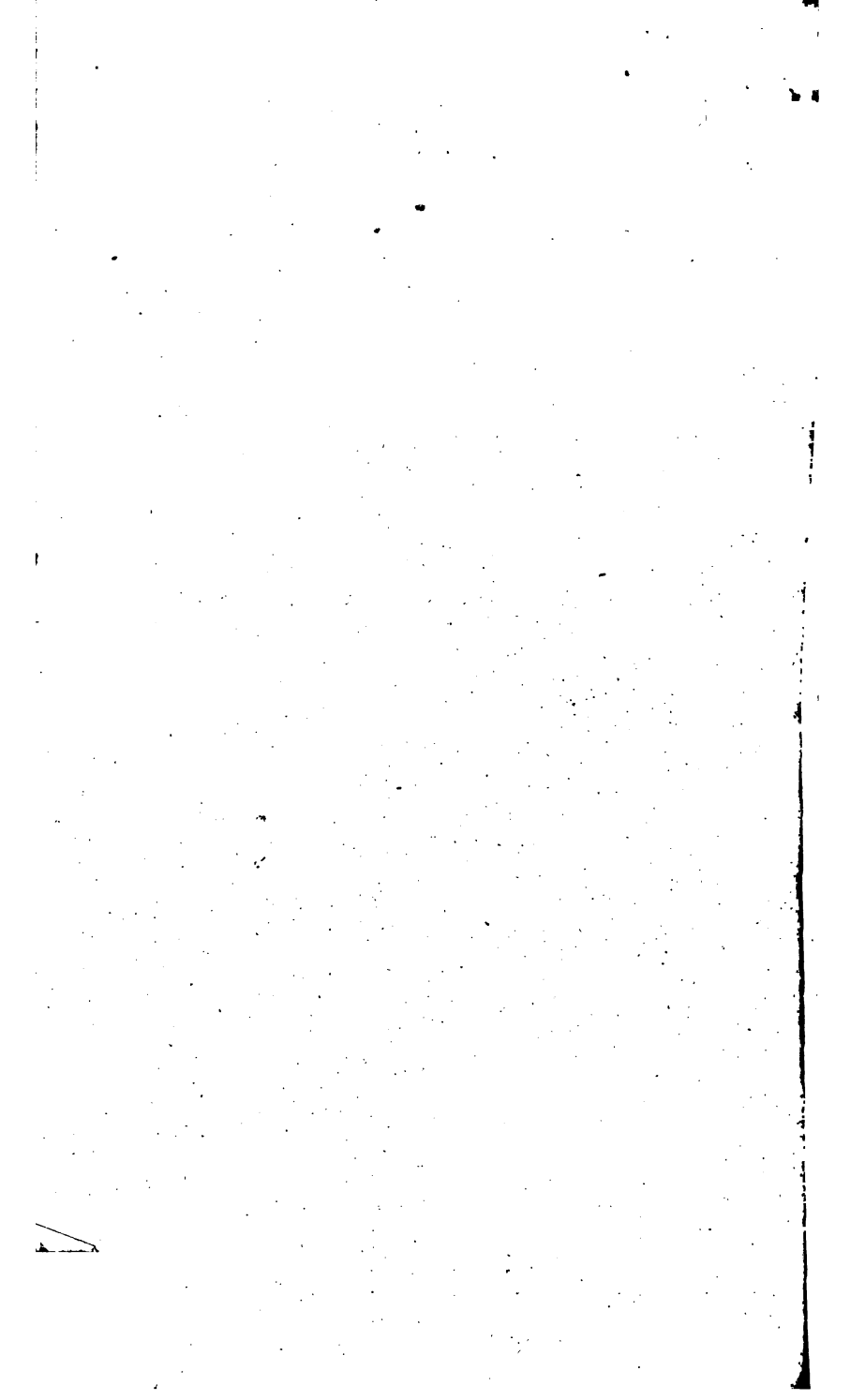
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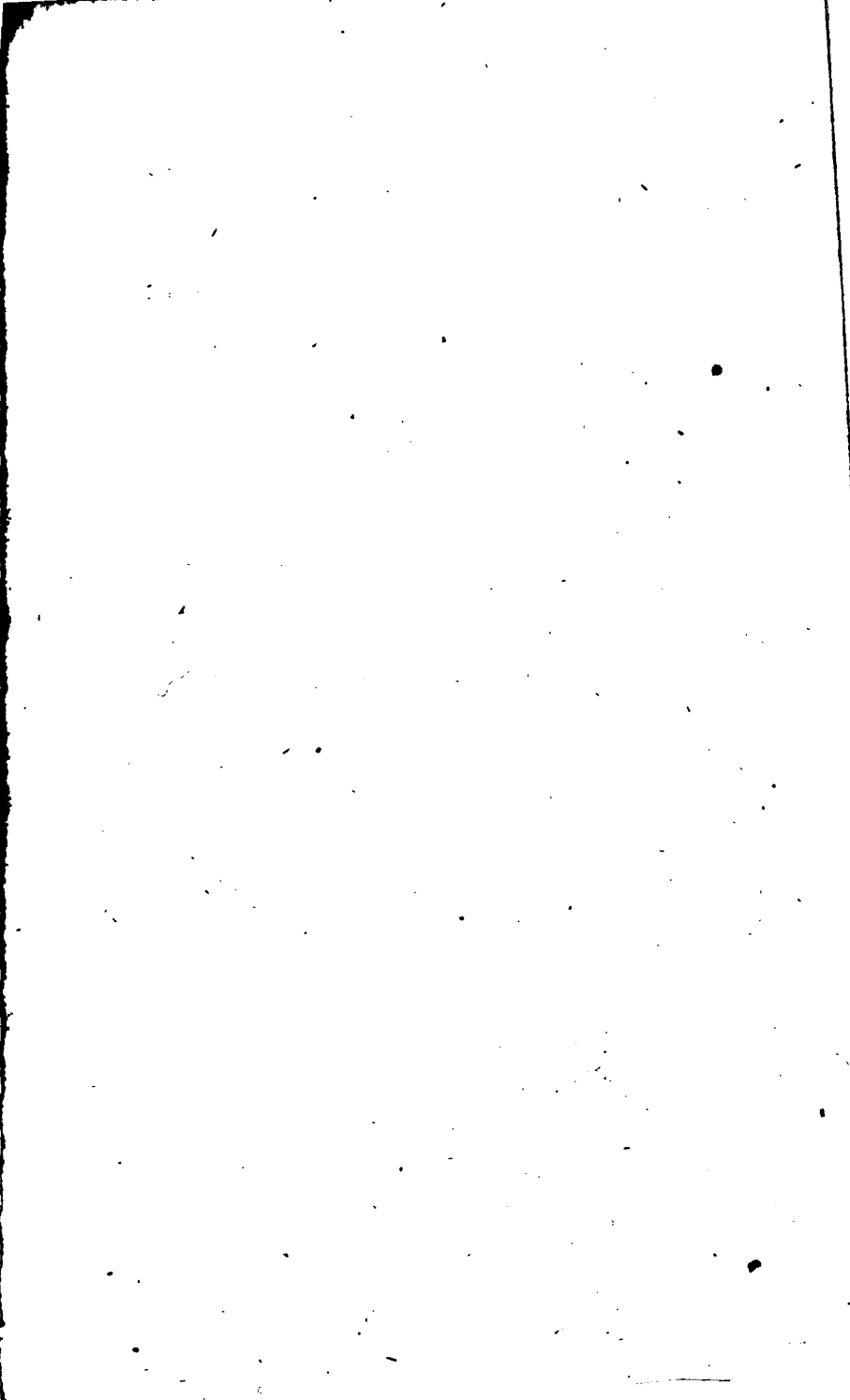
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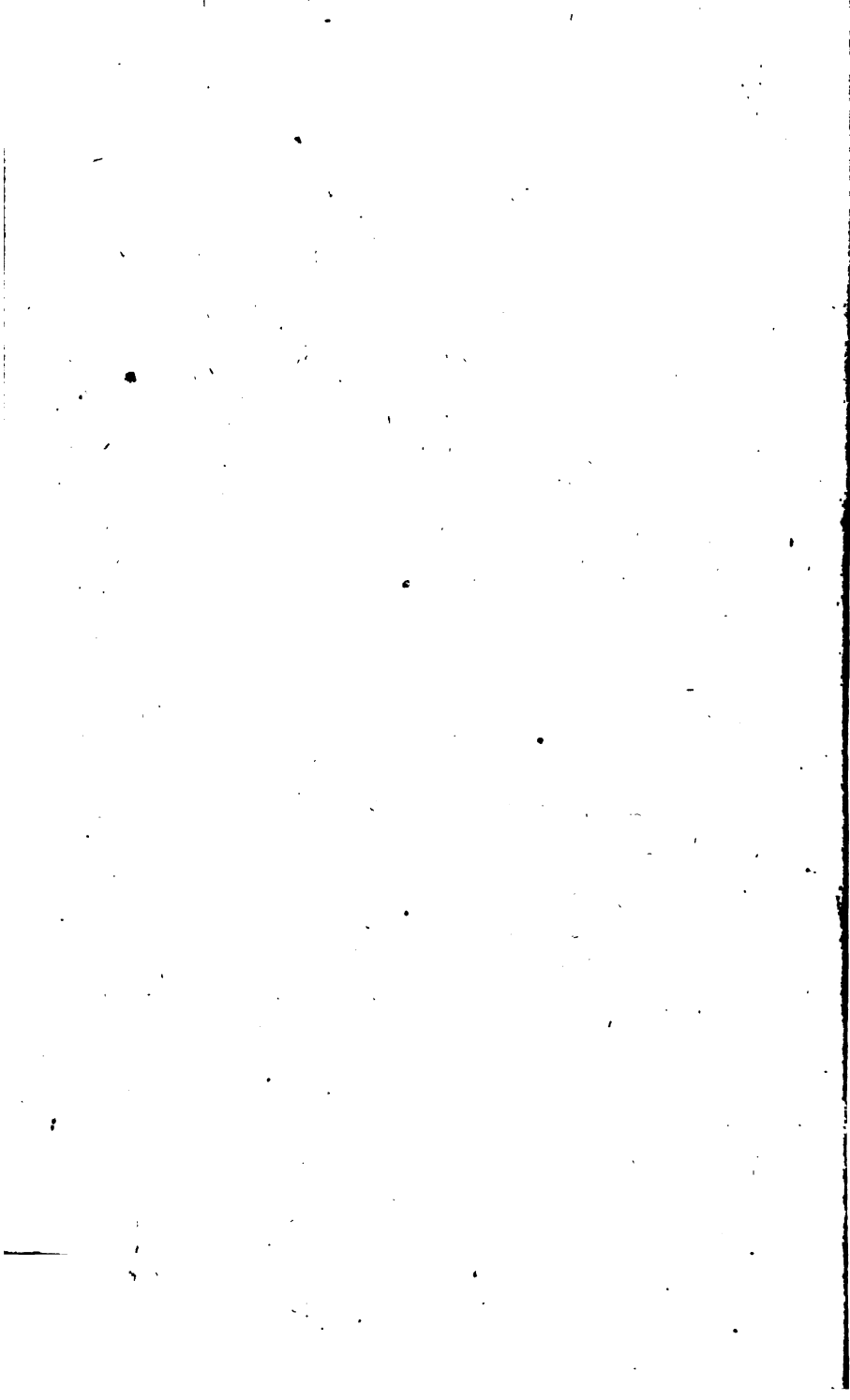
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Kentucky Collection



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ACTS

PASSED AT THE FIRST SESSION

OF THE

TWENTY-EIGHTH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE SIXTH DAY OF DECEMBER, 1819, AND OF THE
COMMONWEALTH THE TWENTY-EIGHTH.

GABRIEL SLAUGHTER,

LIEUTENANT GOVERNOR, AND ACTING GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT:

PRINTED BY KENDALL AND RUSSELL,
PRINTERS TO THE STATE.

1820.

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YRABELL GROTMAATZ

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ACTS

OF THE

GENERAL ASSEMBLY.

CHAP. CCCCLII.

An ACT further to regulate the payment of the debt due the Commonwealth for the sale of Vacant Lands.

Approved December 15, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands," approved January the eleventh, one thousand eight hundred and sixteen, shall be, and the same is hereby revived and continued in force, for and during the term of one year, from and after the fifteenth day of January next.

The act of 1816 continued in force until 15th January, 1821:

CHAP. CCCCLXI.

An ACT authorising the insertion of advertisements in the Star, printed at Flemingsburg.

Approved December 15, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful, for any advertisements which are required by law to be published in a newspaper, to be inserted in the Star, a newspaper printed in Flemingsburg; and the editor of said paper shall be entitled to the same fees, and be governed by the same.

Advertisements authorised to be published in said paper. Fees allowed to editor.

Proviso.

ed by the like regulations as other printers in this commonwealth : *Provided*, that nothing herein contained, shall be so construed as to authorise the insertion of such advertisements as are particularly required by law to be published in the paper of the public printer.

CHAP. CCCCLIV.

An ACT for the relief of Samuel Compton.

Approved December 18, 1819.

Recital.

WHEREAS a patent has issued from the register's office to Samuel Compton, assignee of Matthew Adams, who is a remote assignee of Peggy Dean, containing twenty-two and a half acres of land in consideration of a certificate number two thousand eight hundred and sixty-three, granted by the county court of Christian county ; which patent does not cover the land surveyed for said Compton : For remedy whereof,

Register directed to receive back and cancel a patent for 22½ acres issued to Compton.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office be, and he is hereby authorised and required to receive the original patent, which bears date the twelfth day of December, one thousand eight hundred and seventeen, and which erroneously issued for said twenty-two and a half acres of land to said Compton, and to cancel the same, and likewise to make a note in the record of said patent, declaring the same void and of no effect.

A resurvey authorised, and the emanation of a grant thereon.

Sec. 2. *Be it further enacted*, That said Compton be, and he is hereby authorised to cause a survey of said twenty-two and a half acres of land to be made, and a plat and certificate thereof to be returned to the register's office ; and the register shall receive the same, and issue a patent thereon to said Compton as in other cases : *Provided*, said re-survey shall be made on the land originally surveyed and intended to be granted by said patent : *And provided also*, that if said re-survey should be made on any other land than

Proviso.

Proviso.

that originally surveyed, the said survey and any grant or patent which may issue thereon, shall be null and void.

CHAP. CCCCLV.

An ACT concerning Little River.

Approved December 18, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, Little river in the county of Christian, shall remain open and unobstructed for the purpose of navigation, from its mouth up to Alexander's ford on said river; and any person or persons, erecting or causing to be erected any dams, fishtraps or bridges, or any obstruction to the passage of boats up or down said stream, shall for every such offence, forfeit and pay the sum of three dollars for every twenty-four hours said obstruction shall be permitted to remain therein; which sum may be recovered before any justice of the peace for said county, by, and for the use of any person suing therefor.

Little river in Christian county to be unobstructed.

Penalty for obstructing navigation, & manner of recovery.

Sec. 2. *Be it further enacted*, That all laws coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

CHAP. CCCCLVI.

An ACT to suspend sales under executions and decrees of Courts for sixty days.

Passed agreeably to the provisions of the constitution, the acting governor's objections to the contrary notwithstanding, December 16, 1819.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That no sale shall be made for sixty days from the passage of this act, of property taken under any execution which has issued, or may issue on the judgment or decree of any court or justice of the peace, or on any replevy bond, forthcoming bond, or bond given on the purchase of property under execu-

Sales of property taken under execution, suspended for sixty days.

Where execution is levied on personal estate, defendant to execute a delivery bond.

Which bond, if not complied with, to be proceeded on in the manner now directed by law.

Sales of property under decrees in chancery, suspended 60 days.

Com'rs. may take a delivery bond, where the estate to be sold is personal—

To have the force & effect of a decree on which an execution may issue.

The officers & com'rs. may proceed to sell after the expiration of the 60 days, without a venditioni exponas, or order of court.

Fees accruing on process within this act not to be collected until the expiration thereof.

tion, nor any bond given under the provisions of the laws concerning occupying claimants of land; provided the defendant, in case moveable property be taken in execution, shall enter into bond with one or more sufficient securities, to be approved by the officer so having the property under execution, for the delivery of said property on the day and place of sale, which shall be fixed by such officer, on some day not less than one, nor more than twenty days after the expiration of the sixty days herein mentioned; which bond, if not complied with, shall be returned by the officer, and have the same force and effect as delivery bonds taken under the laws now in force.

Sec. 2. *And be it further enacted*, That no sale shall be made by any commissioner or commissioners acting under a decree in chancery during the said period of sixty days, provided the defendant shall in case it be moveable property that shall be decreed to be sold, enter into a delivery bond as above mentioned; which bond the said commissioners are hereby authorised to take, and to make due return thereof to the clerk's office in case such bond shall not be complied with; which bond, so returned, shall have the force of a decree, and execution may issue thereon, and shall be indorsed that no security shall be taken.

Sec. 3. *And be it further enacted*, That after the expiration of the sixty days herein mentioned, it shall be the duty of the proper officer, and of the commissioners under decrees in chancery, to proceed and sell the estate in execution, or under a decree for sale, without a *venditioni exponas*, or further order of court.

Sec. 4. *And be it further enacted*, That all officers in this commonwealth, who may have received or levied any execution or final process within this act, shall not collect any costs or commission to which he may be entitled by virtue of said process, or in consequence of his having levied the same, until the expiration of this act; nor shall any of the fees to which any officer may be entitled, growing out of any case coming within this act, be collected until the expiration of this act. But nothing in this act shall be so construed.

ed as to release any security upon any replevin ^{Proviso.} or forthcoming bond, or any other security which the plaintiff in the execution may have before the passage of this act.

CHAP. CCCCLVII.

An ACT to amend an act entitled an act to alter the mode of taking in lists of taxable property.

Approved December 22, 1819.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the above recited act as authorises the Auditor of public accounts, to issue warrants on the Treasury, for compensation of clerks, for duties by them rendered under said act, upon the certificate of the amount being certified by the county court for services which have or may be rendered, shall be, and the same is hereby repealed; and the auditor shall examine the copies of the books containing the lists of taxable property transmitted to his office by the clerks respectively, and shall calculate the amount due to each clerk respectively, for making such books according to the mode and rate of services, as now provided by law, and issue a warrant on the Treasury accordingly.

The auditor of public accounts to calculate the allowance to clerks for copying commissioners' books

Sec. 2. *Be it further enacted,* That all fines imposed on the several clerks by the before recited act, shall be recoverable upon the motion of the auditor, in the same manner as monies are now collected from delinquent collectors of the revenue; which recoveries shall be appropriated to the use of the commonwealth as other public funds.

The fines imposed on clerks under the recited act, to be recovered by the auditor &c.

CHAP. CCCCLVIII.

An ACT to increase the number of Justices of the Peace in certain counties in this Commonwealth.

Approved December 22, 1819.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of

In Bracken.
Jefferson.

Caldwell.
Wayne.
Floyd.
Henry.
Allen.
Barren.
Christian.

Boone.

Bracken shall be entitled to four Justices of the Peace; the county of Jefferson, two, (one of whom shall reside in the town of Jeffersontown, and the other between said town and the Shelby county line;). the county of Caldwell, two; the county of Wayne, two; the county of Floyd, two; the county of Henry, two; the county of Rockcastle, one; the county of Allen, two; the county of Barren, one; the county of Christian, one, (to reside in the town of Hopkinsville,) and the county of Boone, one, in addition to the number now allowed by law.

CHAP. CCCCLIX.

An ACT providing for a change of venue in the case of Squire Bozarth.

Approved December 30, 1819.

Recital.

WHEREAS it is represented to the present general assembly, that Squire Bozarth stands indicted on two indictments in the Grayson circuit court for perjury, that owing to the prejudice of the citizens of said county against him, and the influence of those who carry on the prosecution, he cannot have a fair and impartial trial in said court: For remedy whereof,

May elect to
be tried in the
Hart circuit
court.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next term of the Grayson circuit, upon said Squire Bozarth appearing in court to answer said indictments, he may, and is hereby authorised and allowed to make his election whether he will be tried in the Hart circuit or not, and if he does not elect to be tried in the Hart circuit court on some day of the same term of the Grayson circuit court, the said Grayson circuit court shall proceed to try him, in the same manner as if this act had not passed.

Or be tried by
the Grayson
circuit court.

Proceedings in
case he elects
to be tried in
the Hart cir-
cuit court.

Sec. 2. That if the said Bozarth shall, when the question is put to him by the Judge of the Grayson circuit court, elect to be tried in the circuit court for Hart county, the court shall have his election entered of record; and the clerk

of the Grayson circuit court shall make a certified copy of all the orders in said cases to be sent with the indictments, and other papers belonging to the prosecutions, to the clerk of the county of Hart in the manner hereinafter directed. Upon the election of the said Squire Bozarth being made to be tried in the Hart circuit court, the Judge of the Grayson circuit court shall recognize the said Squire Bozarth to appear on the first day of the next circuit court thereafter to be held in and for the Hart circuit. Should the said Squire fail or refuse to enter into such recognizances as said court may require, the said Grayson circuit court shall have full power and authority to commit the said Squire to the jail of Hart county; and the sheriff of Grayson county shall forthwith convey said prisoner to the jail of Hart county, and deliver him to the jailor of said county and take his receipt therefor. Said sheriff shall summon such guard as he may think necessary to assist in taking said prisoner to the jail of Hart county; and the said sheriff and guard shall be allowed the same as is now allowed by law for similar services. And the said court shall also recognize all the witnesses for the commonwealth to appear on the first day of the Hart circuit court, and the recognizances shall be obligatory on the prisoner and witnesses as any other recognizances are when taken by virtue of any law now in force on that subject; attested copies of which recognizances shall be transmitted, with the other papers belonging to the prosecution, to the clerk of the Hart circuit court, and be as binding and subject to the like proceedings as other legal recognizances now are.

Sec. 3. That as soon as practicable after the order of election made as aforesaid, the clerk of the Grayson circuit court shall make certified copies of the orders of his court made in said prosecutions, and shall deliver them, with the indictments and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all convenient speed, take the said papers and indictments, and deliver the same to the clerk of the Hart circuit

Duty of clerk of Grayson circuit court.

Court to recognize witnesses, and defendant to appear at the Hart C. court.

Or commit the defendant to jail.

Duty of the sheriff of Grayson.

Sheriff's allowance, &c.

Papers, &c. to be transmitted to the Hart circuit court.

Further duty of the clerk of the Grayson circuit court.

And of the sheriff.

Sheriff's allowance.

Duty of the clerk of the Hart circuit court.

Power of the Hart circuit court to try prisoner, &c.

Proviso.

Penalty on the clerk and sheriff of Grayson for neglect of duty.

How recovered and applied.

Allowance to witnesses.

court, and take his receipt therefor; and the said sheriff shall be allowed six cents per mile for going to and returning from, to be paid out of the public treasury; and the said clerk of the Hart circuit court shall, and he is hereby authorised to issue a venire facias, subpoenas, and any other necessary process, in the same manner as in any prosecutions commenced in his own court, and the circuit court in and for the county of Hart shall have the same jurisdiction, and possess the same power and authority, to try said indictments, render judgments, and cause the same to be executed, as they would have had if the same offences had been committed in Hart county, and the prosecutions been commenced and indictments originated in the Hart circuit court; and the said prosecutions shall proceed in the same manner, and the same challenge of jurors may be made: *Provided however*, That the said Squire Bozarth shall not be discharged at either the first, second or third terms of the Hart circuit court, after the venue is changed, if through any casualty a trial shall not sooner be had.

Sec. 4. That if either the sheriff or clerk of the Grayson circuit court, shall fail or refuse to perform all or any of the duties by this act directed, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time given in the Grayson circuit court, in favour of this commonwealth; which fine or fines, sum or sums, shall be applied towards lessening the county levy.

Sec. 5. Witnesses attending in the Hart circuit court, by recognizance or subpoena, shall be allowed the same per day as is now allowed by law, as also the same for travelling as other witnesses going out of the county by any legal process in similar cases.

CHAP. CCCCLX.

An ACT for the formation of the county of Todd out of the counties of Christian and Logan.

Approved December 30, 1819.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of April next, all that part of said counties of Logan and Christian, contained in the following boundary, to-wit: Beginning on the Tennessee state line, at the present corner of the counties of Logan and Christian, on said state line, thence on a straight line, to the Muhlenburg county line, two miles east of the present corner of said counties of Logan and Christian, on said Muhlenburg county line, then westwardly with said Muhlenburg county line, until a due south line will strike a point ten miles due east of the most eastwardly boundary of the town of Hopkinsville, and continue south to the said state line, and eastwardly with it to the beginning, shall be one distinct county, called and known by the name of Todd, in honor of the memory of Col. John Todd, who gallantly fell in the service of his country on the—day of August seventeen hundred and eighty-two, at the battle of the Blue Licks.

Boundaries of Todd county.

Sec. 2. The said county of Todd shall be entitled to thirteen Justices of the Peace, who shall be appointed and commissioned as in other cases, who shall meet at the dwelling house of James Kendall in said county, on the second Monday in May next, and after taking the necessary oaths of office, and qualifying their sheriff agreeably to the constitution of the United States, and of this state as required by law, they shall proceed to elect and qualify a clerk, to whose permanent appointment, it shall be necessary for a majority of all the Justices in commission for said county to concur; but if such majority cannot be obtained in favour of any one, then said court shall appoint a clerk *pro tempore*.

13 Justices to be commissioned.

To meet and qualify a sheriff, elect a clerk, &c.

Sec. 3. The county court for said county, shall hold their first term on the second Monday in May next, and on the second Monday in each

County courts when held.

Circuit courts
to be held in
April, July and
October.

To sit 6 days.
Attached to
7th judicial
district.

Courts and jus-
tices to enter-
tain jurisdic-
tion of all mat-
ters depending
at the com-
mencement of
this act.
Sheriffs to col-
lect monies,
fines, &c. ex-
ecute writs &
serve process.

County court
to appoint
commissioners
of tax, &c.

Their duty and
that of other
officers.

To cause pub-
lic buildings to
be erected and
establish a
town.

Commissioners
appointed to
fix the seat of
justice.

To meet in
May next.

month thereafter, except the months in which the circuit courts for said county shall be holden ; and the circuit courts for said county shall commence on the fourth Monday in April, July and October, in each year, and may, if necessary, continue six judicial days ; and said county shall form a part of the seventh judicial district.

Sec. 4. The circuit and county courts, and Justices of the Peace in Christian and Logan counties, shall have jurisdiction over all matters instituted prior to the commencement of this act ; and it shall be lawful for all sheriffs, collectors and constables, in said Christian and Logan counties, to collect all fines and monies, and to execute all writs, executions and other process, as the law directs, which were put into their hands previous to the commencement of this act, and shall account for and return the same as if this act had not passed.

Sec. 5. The county court of said county of Todd shall appoint commissioners of the tax in said county for the year one thousand eight hundred and twenty, who shall perform the duties, and be governed by the laws regulating commissioners of the tax in this state ; and the clerk and other officers of said county, shall in the like manner perform their duties in relation thereto ; and said county court shall also, as soon as practicable, after the place for the permanent seat of justice for said county shall have been fixed upon by commissioners, as hereinafter mentioned, proceed to cause the erection of all necessary public buildings thereupon, for said county of Todd, and may lay off and establish a town there, and do and perform every other matter in relation thereto, that county courts are by law authorised to do in this state.

Sec. 6. The place for the permanent seat of justice for said county of Todd, shall be fixed upon by five commissioners, to wit : Thos. Champion of Caldwell county ; Wm. Thompson and Dickson Given, of Livingston county, and Benjamin Vance and Leander J. Sharp, of Warren county ; who shall meet at the house of James Kendall, in said county of Todd, on the second Monday

in May next, and thence proceed to select and point out an eligible place for the permanent seat of justice for said county, and said commissioners are hereby enjoined to pay a just regard to the most central, convenient and eligible site for that purpose, and make report thereof to the county court of said county of Todd; but should said commissioners, or a majority of them, fail to meet on the day herein mentioned for that purpose, they are hereby authorised and requested still to meet at said place herein appointed, and proceed to perform all the duties herein required of them, as soon as practicable thereafter, a majority or any three of whom, are hereby authorised to act and perform all the duties herein required, provided no more attend for that purpose; and each of said commissioners attending on the performance of their said duties herein mentioned, shall receive for their services three dollars per day, while necessarily absent from home attending on said business, to be levied and paid out of the first county levy laid for said county.

Their duty.

A majority may act.

Allowance to commissioners

Sec. 7. The surveyors of the counties of Logan and Christian, are authorised and required to meet at the beginning corner of said county of Todd, on the said state line, on the first day of April next, thence proceed to lay off, run and plainly mark all the lines of the said county of Todd, which have not heretofore been run and marked, and return a report thereof to the county court of Todd; for which services said surveyors shall receive three dollars per day each while they are necessarily engaged therein, besides a reasonable allowance for the employment of chain carriers and markers, to be allowed and paid out of the first levy to be laid for said county.

Surveyors of Logan and Christian to run and mark the bounds of said county.

And make report of their proceedings.

Their allowance and mode of payment.

CHAP. CCCCLXI.

An ACT concerning the adjustment of the boundary line between this state and the state of Tennessee.

Approved January 1, 1820.

Preamble.

WHEREAS the General Assembly of the state of Tennessee, did on the 23d day of November 1819, pass an act entitled "An act to adjust the boundary line between this state and the state of Kentucky," by which it was provided that two commissioners to be appointed by joint ballot of both houses of the legislature, should have power to confer and agree with the legislature of Kentucky, or with such persons as they might appoint, as to what should be considered the line of boundary and separation between said states; and in case an adjustment could not in that mode be effected, to adopt any mode of adjustment which to them might appear right and proper. And whereas, it is highly important to the citizens of both states, to have the boundary between them well known and established: Therefore,

Commissioners to be appointed by joint vote.

Their powers:

To report their proceedings.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That two persons to be appointed by a joint vote of both houses of this General Assembly, shall be, and they are hereby authorised as commissioners on the part of this state, to meet and confer with the commissioners appointed on the part of the state of Tennessee under the above recited act; and the persons so to be appointed, shall have full power on the part of this state to agree upon, settle, and determine the boundary line between said states, or any part or portion thereof, or to agree upon the principles and manner of ascertaining, running, marking, and perpetuating said boundary: Provided, That any such agreement to be entered into by them shall be reported to, and approved by the legislature of this state, before it shall be obligatory upon the said states.

Sec. 2. If the commissioners appointed on behalf of this state shall fail to come to an agreement with the commissioners appointed on behalf of the state of Tennessee on all or any of the mat-

ters hereby entrusted to them, they are hereby further authorised and empowered, in conjunction with the commissioners on the part of the state of Tennessee, to agree upon such mode and manner of settling and adjusting the boundary between the two states, and all matters incident thereto, as to them shall seem right and proper. And the decision, settlement, or adjustment made in pursuance of such agreement, shall be final and conclusive upon this commonwealth.

Further powers delegated:

Sec. 3. The commissioners to be appointed by this act, shall be allowed seven dollars a day, for each day they shall be necessarily employed in performing the duties enjoined on them; and their accounts when made out and approved by the governor, shall be paid out of the Treasury.

Compensation to commissioners.

CHAP. CCCCLXII.

An ACT to provide for and regulate the salaries of Attornies for the Commonwealth of Kentucky for the year 1819.

Approved January 6, 1820.

WHEREAS, owing to the act of Assembly regulating the appointment and pay of commonwealth's attornies expiring on the 5th day of February, one thousand eight hundred and nineteen, without any further provisions being made by the legislature; and the different circuit judges having appointed attornies for the circuits composing their respective judicial districts, to manage and conduct prosecutions in behalf of the commonwealth, who have discharged the duties of that office, and have not received any compensation for their services: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the different attornies appointed by the several judges for their respective circuits, be paid out of the public treasury for the year one thousand eight hundred and nineteen, the respective sums the judge appointing them, may certify their services

Attornies for the commonwealth to be paid the amt. certified by the Judges.

Proviso.

merit; and that the auditor of public accounts shall issue his warrant on the treasurer for the payment of the same as presented : *Provided however*, That there shall not be paid to the attorneys of any one judicial district, more than the sum of four hundred dollars; and should a greater sum be certified, the auditor shall deduct from each in proportion to the amount allowed and certified.

Provision where allowance has been levied by the county courts.

Sec. 2. *Be it further enacted*, That where the county courts of any of the counties of this commonwealth, have levied the sum certified by the judges, those sums as levied by the respective courts, shall not be drawn by the different attorneys, but that the same shall remain subject to the further disposition of the county courts.

CHAP. CCCCLXIII.

An ACT authorising the insertion of advertisements in certain Newspapers printed in this Commonwealth.

Approved January 7, 1820.

Advertisements may be inserted in certain newspapers.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for any advertisements which are required by law to be published in a newspaper, to be inserted in the "Lexington Public Advertiser," printed in Lexington; "The Kentuckian," printed in Lancaster; "The Bracken Centinel," printed in Augusta; "The Kentucky Republican," printed in Hopkinsville; and "The Kentucky Advertiser and Farmer's Magazine," printed in Winchester. And the editors of the said papers shall be entitled to the same fees, and be governed by the same rules as other printers in this commonwealth : *Provided however*, That nothing in this act shall be so construed as to authorise the insertion of any advertisement that may be particularly required to be published in the newspaper printed by the public printer.

Fees.

Proviso.

CHAP. CCCCLXIV.

An ACT to regulate the damages upon protested Bills of Exchange.

Approved January 10, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of all acts of assembly which give damages against the drawer and all others concerned, at the rate of ten pounds per cent. on the protest of any bill of exchange, which shall have been drawn or indorsed in this commonwealth, payable out of the same, but within any one of the United States of North America, or within any of the territories thereof, shall be, and the same are hereby repealed : *Provided however,* that nothing herein contained, shall be construed to affect the rights of parties under any contract heretofore made.

All acts giving 10 per cent. damages on the protest of certain bills of exchange, repealed.

Proviso.

CHAP. CCCCLXV.

An ACT establishing the Prestonsburg Academy in the County of Floyd.

Approved January 13, 1820.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That William J. Mayo, Alexander Lackey, James P. Harris, Alexander Dunbar and Peter Amyx, gentlemen, be, and are hereby constituted a body politic and corporate, to be known by the name of the Prestonsburg Academy, and by that name shall have perpetual succession, and a common seal, with powers to alter or change the same at pleasure, as a body corporate, and shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state ; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy ; and the person or persons, so appointed, shall be vested with the same power and authority, as if specially appointed by this act, and

Names of the trustees.

Made a body corporate.

Their powers.

To fill vacancies.

To sue and be
sued, &c.

by the name and style of the Prestonsburg Academy, may sue and be sued, implead and be impleaded, in any court of law or equity, or before any tribunal having cognizance of the same.

To purchase,
sell and convey
lands, &c.

Sec. 2. *Be it further enacted*, That the said trustees and their successors in office, shall have power in their corporate capacity, to purchase or receive by donation any lands, tenements, hereditaments, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors in office forever, for the use of said academy, and to sell, alien or transfer any such lands, tenements, hereditaments, goods or chattels, and apply the proceeds arising from the sale or transfer thereof, to the use and benefit of said academy.

First meeting.

May appoint a
chairman, clerk
&c.

Who are to
take an oath.

Their powers.

Proviso.

Sec. 3. *Be it further enacted*, That the person first named herein, or in his absence or refusal to act, the next, shall notify the time and place of the first meeting of the said trustees; and on the attendance of a majority of said trustees, they shall appoint a chairman, clerk and such other officers as they may deem necessary, who shall severally before they enter on the duties of their several offices, take an oath before some justice of the peace, well and truly to execute the duties of their respective offices; and thereafter, the board may be called by the chairman, or any two of the trustees, who shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this state; and moreover, to fix upon a proper place for erecting the buildings of said academy: *Provided*, that a majority of all the trustees, shall be present at the making [of] any contract, by-laws, or fixing the permanent seat for said buildings; and shall have power to engage and employ a competent number of professors or teachers to said academy, to fix their salaries or terms of tuition; and on the misconduct of any professor, teacher or student, may dismiss such professor, teacher or student.

Sec. 4. *Be it further enacted*, That so much of the act approved the twenty-sixth day of January

one thousand eight hundred and fifteen, as requires the investment of the proceeds arising from the sale of seminary lands into bank stock, be, and the same is hereby repealed, so far as it relates to the trustees of the seminary land in Floyd county; and the said trustees and their successors in office, after deducting all lawful expences in advertising and selling the seminary lands in the county of Floyd, and collecting the money arising from said sales, are hereby authorised, a majority of said trustees concurring therein, to appropriate the remaining proceeds of such sales to the purchase of a suitable piece of ground, not exceeding one acre, and to the erection of the necessary buildings and improvements for the use of said academy.

So much of the act as requires them to invest the proceeds of their lands in bank stock, repealed.

May apply proceeds of their lands to erecting buildings, &c.

Sec. 5. *Be it further enacted*, That said trustees shall annually at the May term of the Floyd circuit court, make a report of their proceedings to said court; which report shall contain a true statement of all debts due said institution, together with all monies in the hands of said trustees, and all expenditures for the preceding year, which shall be recorded in the clerk's office of said court.

Trustees to report annually to the circuit court.

Sec. 6. *Be it further enacted*, That the trustees of the seminary lands in Floyd county, shall settle with, and pay over to the county court, all monies by them collected, and out of the money so paid over to the court, shall deduct in favor of the said trustees all lawful costs and expences by them expended in collecting the same, which settlement shall be recorded in the clerk's office of said county, and said court shall pay over to the trustees herein named, all monies by them so received for the use and benefit of said academy. The trustees of said seminary lands, shall collect all monies that may be due or may become due and uncollected, and shall pay over, settle and account for the same as aforesaid.

The trustees of the seminary lands to settle with the county court, who are to pay over the monies to the trustees.

Settlement to be recorded, &c.

CHAP. CCCCLXVI.

An ACT further to regulate the Town of Madisonville.

Approved January 13, 1820.

Preamble.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that the citizens of Madisonville in the county of Hopkins, are desirous of having two additional streets established in said town adjoining the public square, one on the south and one on the east thereof, which are bounded as follows, to wit: Beginning on the south-west corner of the public square on main street; thence north with main street sixty feet; thence east till it will come within forty-five feet of the east line of the public square; thence north to main cross street; thence east with main cross street forty-five feet to the north-east corner of the public square; thence south with the old line to the old original corner of the public square; thence west to the beginning; and an alley south of lots No. seven, teen and twenty-four, beginning at the south-west corner of lot No. seventeen on main street, running south sixteen feet 6 inches; thence east through lots No. eighteen and twenty-five to Union Street; thence north sixteen feet six inches to the south-east corner of lot No. twenty-four; thence west in a line with lots No. twenty-four and seventeen to the beginning; and that they wish the alley between lots eighteen and twenty-five, and nineteen and twenty-six to be discontinued and added to lots No. eighteen and twenty-five: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said streets and alleys shall be, and they are hereby established according to the above described boundaries.

Streets and alleys established.

CHAP. CCCCLXVII.

An ACT to amend an act to regulate Taverns and restrain Tippling Houses.

Approved January 15, 1820.

WHEREAS tippling houses are institutions never contemplated by the law of this land, yet they are to be found in great plenty in every town, village and neighborhood throughout the state; in fact the country is completely inundated with those engines of vice; their influence upon great portions of society is immense; industry is checked, purses are drained, constitutions are destroyed, families are distressed, and the people are demoralized: For remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several county courts in this commonwealth, shall not grant a license to keep a tavern within their respective counties, unless a majority of all the justices of the peace in the county are present; nor unless the party or parties praying the same, shall make satisfactory proof to the court before whom application is made, that he, she or they, are qualified and prepared to afford the accommodations required by the act of assembly to which this is an amendment; and when any county court shall grant license under the laws of this state, it shall be their duty to add, in addition to the conditions now contained in a tavern license bond, that the obligors shall pay the tax to become due thereon.

Majority of justices must be present, and applicant to make certain proof.

Sec. 2. If the license of any tavernkeeper shall hereafter be suspended a second time by the trustees of any town, or by the justices of the county court in vacation upon their own view, no county court shall reinstate any such tavernkeeper in his license for the space of twelve months thereafter.

If license is suspended, not to be reinstated for twelve months.

Sec. 3. *Be it further enacted,* That if any person after the first day of March next, shall under pretence of keeping a tavern, keep a tippling house, that is, a house for the purpose of making a profit by selling whiskey, rum, brandy or any spirituous liquors by the small, without provi-

Penalty for
keeping tip-
pling house.

Proviso:

In case of pro-
secution, court
to empannel
jury.

Fine for retail-
ing liquor in
booth, &c.

ding the necessary accommodations for the enter-
tainment and convenience of travellers, as requir-
ed by law, and without providing suitable sta-
blage and provender for horses, every person so
offending, shall be liable to forfeit and pay the
sum of two hundred dollars, for every three
months within which he or she shall keep said
tippling house open, to be recovered by any per-
son suing for the same, in any circuit court of
this commonwealth, one half to the use of the per-
son suing, and the other half to the use of the
commonwealth, or to be recovered by indictment
to the use of the commonwealth: *Provided how-
ever*, that nothing in this act contained, shall be
so construed as to subject any person having ob-
tained a license and executed a bond to keep tav-
ern, after the expiration of such license, to any fine
or penalty for keeping tavern without a license, un-
til a court shall have intervened, wherein a renew-
al of such license could have been obtained, a com-
petent number of justices having been present on
the bench of such court.

Sec. 4. *Be it further enacted*, That when any
tavernkeeper shall be presented or indicted by a
grand jury, for being guilty of a breach of the
condition of his bond, the court before whom
such presentment or indictment shall be depend-
ing, shall have full power and authority to direct
a jury to be summoned and sworn to try the truth
of the facts so presented or indicted; and if the
jury shall find in substance, that the tavernkeep-
er has been guilty of a breach of the condition of
his bond, the court shall give judgment accord-
ingly.

Sec. 5. *Be it further enacted*, That any person
or persons, who shall presume to sell directly or
indirectly, by retail, in any quantity less than
one gallon, any brandy, wine, whiskey, rum or
any other description of spirituous liquors whate-
ver, in any booth, arbour, stall, public square,
market-house, or upon any race-field, the person
or persons, so offending, shall be subject to a fine
of twenty dollars, to be recovered in the same
manner as the fines imposed in the foregoing sec-
tion for keeping a tippling house.

Sec. 6. *Be it further enacted,* That no person or persons, shall hereafter be permitted to sell by retail any brandy, rum, whiskey or other spirituous liquors, within one mile of any church, meeting-house or place of public worship, during divine service, except in houses authorised by law, under the pains and penalties imposed by the law prohibiting such sales within half a mile of such place of public worship.

Not to sell within a mile of a church.

CHAP. CCCCLXVIII.

An ACT to establish Election Precincts in Floyd and Warren Counties, to change the place of holding elections in the Corn Creek Precinct in Gallatin County, and for other purposes.

Approved January 15, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Floyd in the following bounds, to wit: Beginning at the junction of Rocecastle creek; thence running up the same to the head; thence with the dividing ridge between the Tug fork of Sandy river and John's creek to the state line, and with the said state line to the Tug fork, and down the same to the beginning; shall be deemed an election precinct in the county [of] Floyd, and the election for said precinct shall be held at the house of John Rutherford near the mouth of Pond creek. The county court of Floyd county shall annually appoint two judges and a clerk, whose duty it shall be, together with the sheriff or deputy sheriff of the county of Floyd, to attend at the said place of holding elections on the days required by law, and after taking the necessary oaths, to conduct the election under the same rules and regulations as are prescribed in other cases of elections; and on failure in the judges or clerk to attend, their places shall be supplied by the sheriff calling on some discreet citizen of said precinct.

Bounds of precinct in Floyd county.

Election, where to be held. Judges & clerk to be appointed, and their duty.

Sec. 2. That the place of holding the election in the Sandy river precinct in said county, shall

Place of holding elections in another precinct of said county changed. be changed from the house of James Ratliff, to the house of Spencer Atkins, at the mouth of Russell's fork in said precinct, under the same rules and regulations as are prescribed in cases of other elections.

Place of holding elections in Corn creek precinct in Gallatin county changed.

Sec. 3. That the place of holding elections in the Corn creek precinct in the county of Gallatin, shall be, and is hereby changed from the house of William Wood to the lot whereon is erected a brick school house in said precinct; and that all elections directed by law to be held in said precinct, shall hereafter be held and conducted on the said lot of ground, any law to the contrary notwithstanding.

Bounds of the precinct in Warren county.

Sec. 4. That all that part of Warren county included in the following boundary, to wit: Beginning at the corner of Allen county on Barren river; from thence with said Allen line until it strikes the road leading from Bowling-Green to Scottsville; thence with said road toward Bowling Green five miles; from thence a direct course to Harman Reed's on the Barren county line; from thence with the Barren and Allen county lines to the beginning; shall be, and the same is hereby erected into an election precinct in the said county of Warren; and that the qualified voters in said precinct do meet at the house of Hudson Martin in said precinct, for the purpose of voting in all legal elections.

Place of holding elections.

Sec. 5. That the county court of Warren, shall at the time they appoint a clerk and judges to preside at the elections for the balance of the county, also appoint a clerk and judges to preside at the elections to be held in the precinct in said county hereby directed; and it shall be the duty of the sheriff of said county, to attend the said election by himself or deputy, as in other cases; and the said sheriff, clerk and judges, shall be in all cases governed in conducting said elections to be held in said precinct, as if the same were held at the court-house of said county.

Judges & clerk to be appointed.

Duty of sheriff.

Sec. 6. The sheriff or deputy who shall preside at the election in said precinct, shall meet the sheriff that presides at the court-house in said county, to compare the polls on the fifth day af-

Further duty, meet and compare polls.

ter the commencement of said election at Bowling Green, and then and there together compare the polls, and make return agreeably to the constitution and laws of this state.

CHAP. CCCCLXIX.

An ACT to enlarge the power of the Circuit Courts at their terms appointed by the Judges thereof.

Approved January 15, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit courts of this commonwealth, at their terms appointed by the Judges thereof, for the trial of chancery causes and criminals under a charge of felony as heretofore provided by law, shall be, and they are hereby authorised to try all indictments for misdemeanors, or presentments, and all commonwealth's pleas, or any action, prosecution, suit or suits in which the commonwealth is a party; and all process shall be as valid returnable thereto, and all recognizances as good as if made returnable to the regular terms of the circuit courts.

Circuit courts may, at the terms appointed by them, try all pleas of the commonwealth for misdemeanors.

Sec. 2. That the Fayette circuit court, at its chancery term held in the month of February in each year, shall be, and is hereby empowered to try all commonwealth's pleas or suits, prosecutions or actions in which the commonwealth is a party, in as ample a manner as said court is empowered to do at its regular terms.

Fayette circuit may try pleas of the commonwealth at their February term.

Sec. 3. The further time of one year from and after the passage of this act, shall be, and the same is hereby allowed the Judge of the district composed of the counties of Fayette and Scott, to remove into the bounds of his district, as now required by law.

One year allowed Judge of 3d district to remove into it.

CHAP. CCCCLXX.

An ACT further to indulge the settlers on the lands acquired by the Treaty of Tellico.

Approved January 15, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to amend the law authorising the appropriation of the lands acquired by the treaty of Tellico, approved January 25, 1819," be, and the same is continued in force until the sixth day of January 1821.

CHAP. CCCCLXXI.

An ACT for the benefit of the heirs of Thomas Bartlett.

Approved January 15, 1820.

WHEREAS it is represented to the present General Assembly, that Thomas Bartlett the elder, late of the county of Henry, died, leaving a number of heirs, some of whom are infants, and that he was possessed of a certain tract of land in the county of Henry containing one hundred acres, the title to which is now vested in James Bartlett, in trust for said heirs; and they wish the land sold, and the proceeds thereof divided among them according to their respective rights; and it appearing that a division of the land would not advance, but rather embarrass and injure the said estate:—
Wherefore,

Recital.

Trustee to
make sale of a
tract of land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Bartlett be, and he is hereby authorised to make sale of the tract of land of which the said Thomas died possessed as aforesaid, to the highest bidder, for the best price that can be had, on a credit of twelve months, taking bond with approved security from the purchaser, for the purchase money.*

Sec. 2. *That the said James Bartlett before he shall be permitted to make the sale contem-*

plated by this act, shall enter into bond with good security, in the county court of Henry county, to be approved by said court, and in a penalty to be fixed by them, and payable to the heirs of said Thomas Bartlett, deceased, conditioned for the true and faithful discharge of the trust herein reposed, and for the payment of the proceeds of said sale to the heirs, according to their respective rights, when the same shall be collected: *Provided*, That before the said James shall make the sale aforesaid, he shall advertise the time and place of making the same, in some public newspaper printed in Frankfort, and at the courthouse door of Henry county, at least three weeks next preceding the time of sale.

Trustee to give bond and security.

Notice to be given of sale.

Sec. 3. That upon the receipt of the purchase money by the said James Bartlett, or sooner if all parties concerned shall agree, he shall execute to the purchaser or his assigns, [a deed conveying] all the right, title and interest, that he, in conjunction with the said heirs may, or shall have in and to the tract of land aforesaid.

Trustee to make deed.

CHAP. CCCCLXXII.

An ACT to legalize an additional levy made at the December Term 1819, of the Scott County Court.

Approved January 15, 1820.

WHEREAS it is represented to the present General Assembly, that the county court of Scott county at their last December term, increased their levy to embrace claims which had been allowed at their November term 1818, and remained unsatisfied: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Scott county court at their last December term, increasing the county levy, shall be, and are hereby declared legal, valid and operative to all intents and purposes, as if the same had been done at their usual terms designated by the general law.

CHAP. CCCCLXXIII.

An ACT for the benefit of Catharine Gibson.

Approved January 13, 1820.

Grant to issue
for land with-
out state price
being paid.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office of the commonwealth of Kentucky, be, and he is hereby authorised and directed to issue a grant to Catharine Gibson, widow of John Gibson, deceased, without the balance of the state price being paid thereon, for one hundred and sixty eight acres of land in Lincoln county, granted to John Gibson in July 1805 by county court certificate No. —

Grantee only
to have life es-
tate.

To descend to
her heirs.

Sec. 2. That the said Catharine Gibson shall only have a life estate in said land : *Provided*, any of the children of said John Gibson, deceased shall be living at the death of said Catharine, in which case, after the death of said Catharine, said land shall descend to the heir or heirs of said John, to be between them equally divided ; but if said John shall not have any legitimate child living at her death, then the fee simple title in said land shall vest in said Catharine.

CHAP. CCCCLXXIV.

An ACT to establish the county of Monroe out of the counties of Barren and Cumberland.

Approved January 19, 1820.

Boundary of
Monroe coun-
ty.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the counties of Barren and Cumberland included in the following bounds : beginning on the Tennessee state line on Cumberland river ; thence east with said line four miles ; thence to a point twelve miles from the court-house in Burksville in a direct line to Tompkinsville, including Fleming Jones' residence in the proposed county ; thence in a direction to the place where the road from Glasgow to Burksville crosses the county line, as far as the main branch of Mar-

row-bone creek; thence to the Marrow-bone spring; thence to Skeggs' creek one hundred yards below the house of Col. David Hardin; thence to big Barren river, at the most eastern point thereon, below the mouth of Hungry creek; thence up said river, and with the Allen county line to the Tennessee state line; thence with said line to the beginning; shall, from and after the first day of April next, constitute a distinct county, to be called and known by the name of Monroe, in honour of James Monroe, President of the United States.

Sec. 2. The surveyor of the county of Barren, shall, as soon as may be, by himself or deputy, run, measure, and mark the lines of the county hereby created, which divide from the county of Barren and Allen; and the surveyor of the county of Cumberland shall in like manner, run, measure and mark the lines which divide the said county from the county of Cumberland; and each of the said surveyors are authorised to employ chain carriers and markers, whom they shall swear faithfully to perform their duty; and each of the surveyors shall make out a report of the lines they respectively run and correct plats thereof, stating the water courses, roads and other notable objects thereon, which they shall deliver to the county court, or the clerk of said court who shall form a connection of said plats, and record them and the reports; and the said surveyors shall each of them be allowed the sum of three dollars, and each of the chain carriers and markers the sum of one dollar per day, for each day they may be necessarily engaged in the work, which shall be allowed by the county court on the certificate of said surveyors, and paid out of the county levy for said county.

Surveyors of Barren and Cumberland to run the lines of said county.

And report to Monroe county court.

Surveyors' Pay.

Sec. 3. There shall be commissioned for the said county of Monroe, thirteen Justices of the Peace; they shall meet on the second Monday in April next, at the house of Hiram Putnam in the town of Tompkinsville, and after taking the oaths of office shall administer to the sheriff the oaths of his office, and proceed to elect and qualify a clerk, in which election a majority of all Justices of the peace to be commissioned and hold their first term, appoint a clerk, &c.

the Justices shall concur; but if such majority shall not be found in favour of one person, then a temporary appointment shall be made, to continue until such majority shall concur in the appointment at a subsequent court; and the county court shall thenceforth be holden on the first Monday in each month, and may continue at each term as long as may be necessary, excepting when it may interfere with the circuit court.

To form part
of 8th judicial
district, and
courts when
held.

Sec. 4. The said county of Monroe shall [be,] and the same is hereby added to the eighth judicial district; and the circuit courts for said county shall be holden on the first Mondays in April, July and October, and shall continue six judicial days if the business shall require. The said court shall be holden in the said town of Tompkinsville, and at the house of said Putnam until another house may be provided by the county court.

Subscriptions
for public
buildings to be
received.

Sec. 5. The clerk so appointed by the county court of said county, is hereby authorised to open subscription papers, for the purpose of proposals or subscriptions in money or property, to any amount not exceeding eight thousand dollars, from any person or persons for the purpose of erecting the public buildings; and if any person or persons shall fail to make payment according to the articles of subscription, it shall be lawful for the said clerk to recover the same, or the amount thereof, on giving ten days previous notice to the defendant, on motion in the circuit court, or by a warrant before a Justice of the Peace, as the case may require; and all sums so subscribed and received, or so much thereof as the county court shall deem necessary for that purpose, shall be applied by them to the erection of the public buildings, and the residue, if any, to be paid over to the person or persons subscribing the same; and the said clerk shall give bond and approved security to the Justices of the Peace for said county, conditioned for the faithful collection and appropriation of all money and property subscribed for the purpose of erecting public buildings.

Commr's to fix
the seat of justice.

Sec. 6. James Allen and Elias Barbee of the county of Green, Walter Thomas of Allen, James

Barber of Wayne, and John Covington of the county of Warren, or a majority of them, shall be, and they are hereby appointed commissioners to fix on a place for the seat of justice of said county, who shall meet in the town of Tompkinsville on the third Monday in April next, or as soon thereafter as practicable; and each having taken an oath before some Justice of the peace for said county, to discharge the duty of commissioner in fixing on a place for the permanent seat of justice for the said county of Monroe, without favor, affection, partiality or prejudice, according to his skill and ability, shall proceed to select the most proper place for the seat of justice for said county, having due regard to population, territory, public conveniences and situation, and the capacity of the land in said county for sustaining future population; and also such subscriptions or proposals as shall be made by any person or persons for erecting the public buildings of said county; and the said commissioners shall report their decision to the county court of said county. And said commissioners shall be allowed for their services each, three dollars per day for every day they shall have been necessarily employed in the performance of their said duties, to be levied and paid out of the next county levy.

Sec. 7. The seat of justice of said county being so established, the county court shall proceed thereupon to appoint three commissioners to contract and superintend the erection of the court house and other necessary public buildings; the said court may, if considered expedient, provide a temporary house in said town, for holding both the circuit and county courts until the court house may be finished.

County court to appoint commissioners to superintend public buildings.

Sec. 8. The sheriffs of the counties of Barren and Cumberland shall have the same power to collect the revenue tax and the county levies within the limits of the county hereby erected, during the year eighteen hundred and twenty; and the sheriffs, constables and coroners of said counties shall have the same power to execute all process which may be issued directed to them before the first day of April next, and collect all

Sheriffs of Barren and Cumberland to make collections.

And officers to execute process, &c.

fines and fee-bills which may be placed in their hands prior to that date in like manner as if this act had not passed.

Citizens of
said county to
vote as here-
tofore.

Sec. 9. All elections by the people of the counties of Cumberland and Barren, and the county hereby erected, shall be held in the same places, and the voters shall vote in the same manner as if this act had not passed, excepting that the county court of Monroe shall appoint the judges of the elections at the precincts contained in said county; and the sheriff of said county shall, by himself or deputy, attend said precincts and conduct the elections, and shall meet the sheriffs of Cumberland and Barren at their respective court houses on the Saturdays next succeeding the election, and compare and deliver over the polls to them, who shall regard and use the same in the manner as if they had themselves held said elections; and the elections now directed to be holden at Tompkinsville, shall hereafter be holden at the same house which the county court may provide for holding the courts of that county.

CHAP. CCCCLXXV.

An ACT for the relief of Benjamin J. Harrison.

Approved January 22, 1820.

Recital.

WHEREAS it appears to the present general assembly, that Benjamin J. Harrison, who was collector of the revenue in Louisville for one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen, did by mistake pay into the treasury on the first day of October one thousand eight hundred and eighteen, one hundred dollars: Wherefore,

The auditor directed to issue a warrant in his favor for \$100 and interest.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor be, and he is hereby directed to issue his warrant upon the treasurer in favor of said Harrison for one hundred dollars, with interest from the first day of October one thousand eight hundred and eighteen, payable out of any monies in the treasury not otherwise appropriated.

CHAP. CCCCLXXVI.

An ACT to provide for the compensation of the Commissioner appointed on the part of this State to examine the Ohio River, and the expences incident thereto.

Approved January, 22, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor shall be, and he is hereby authorised to issue his warrant on the treasurer for three hundred and ninety-two dollars, as a compensation in full to General John Adair for his services as commissioner appointed on the part of this state (in conjunction with commissioners appointed by the states of Ohio, Pennsylvania and Virginia) to examine the obstructions in the Ohio river.

Amount appropriated to gen. Adair.

Sec. 2. *Be it further enacted,* That the further sum of three hundred and forty-nine dollars twenty-one cents be, and the same is hereby appropriated for the purpose of defraying the state's proportion of the expences in employing a surveyor, &c. to carry into effect the examination aforesaid; and the acting governor is hereby authorised to draw upon the auditor, who shall issue his warrant upon the treasurer for the same, and pay the amount thereof to such persons as may be entitled to the same.

Amount appropriated to defray this state's proportion of expences, &c.

CHAP. CCCCLXXVII.

An ACT to add a part of Shelby County to Franklin County, and a part of Christian County to Hopkins County.

Approved January 22, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That after the first day of March next, all that part of the county of Shelby lying to the east of a line beginning at Collet's fork of Benson near Hardinsville, thence down the creek to the most westerly bend thereof; thence in a direct line to the junction of the Indian and the Dutch forks of said creek;

Boundary of the part added to Franklin.

thence a direct line to Christopher Hardwick's on the Henry road (so as to include the said Hardwick in Franklin county;) thence a direct line to the point where the Henry county line crosses the Sandy Ripple creek; and thence with said line to the Kentucky river; shall be, and the same is hereby added to the county of Franklin:

Suits not to be affected thereby.

Sheriff to make his collections.

Provided always, that any suit or suits pending in any court of law or equity, or before any justice of the peace, against any person or persons in that part of said county of Shelby, on the said first day of March, may be proceeded in and prosecuted and defended as heretofore: *And provided*, that the sheriff and other civil officers of the county of Shelby, who may on said day have any process in their hands against any such person or persons, may execute the same, and may also collect any taxes, fines or county levies, which on said day may be in their hands to be collected, in the same manner as if this law had not been passed.

Boundary of part added to Hopkins.

Sec. 2. That after the first day of March next, all that part of the county of Christian lying to the north of a line beginning where the road leading from Russellville to the Highland lick, crosses Drake's creek, near Samuel Williams'; thence a straight line to the mouth of M'Farlin's fork; thence down the west fork of Pond river to the mouth thereof; thence down said river to the Hopkins' county line; shall be, and the same is hereby added to the county of Hopkins: *Provi-*

Suits not to be affected thereby.

Officers may proceed in their collections.

ded always, that any suit or suits, depending before any judicial tribunal in law or equity, against any person or persons in that part of the said county of Christian, on the said first day of March, may be proceeded in, and prosecuted and defended as heretofore; and that the sheriff and other civil officers of Christian county, who may on said first day of March, have any process in their hands against any such person or persons, may execute the same, and may also, collect any taxes, fines or county levies, which on said day may be in their hands to be collected, in the same manner as if this law had not been passed.

Sec. 3. That the surveyors of the counties of Shelby and Franklin, by themselves or their deputies, shall on the said first day of March, or so soon thereafter as may be practicable, run and mark the said line between the counties of Shelby and Franklin, in a plain manner, with at least three chops on the trees, the whole extent of said line; and may adjourn from time to time until said line is completed. And the said surveyors having so run and marked said line, shall report the same to their respective county courts; and the line so run and marked, shall be held and deemed the true line until otherwise directed by law. And if either of said surveyors shall refuse to act by himself or deputy, the other surveyor by himself or deputy, may proceed to run and mark said line and report as aforesaid.

Duties of surveyors of Franklin and Shelby.

To make report.

Sec. 4. That the surveyors of the counties of Christian and Hopkins, by themselves or deputies, shall on the said first day of March, or so soon thereafter as is practicable, proceed to run and mark the said line between the counties of Christian and Hopkins, subject to the same rules and regulations prescribed by this act to the surveyors of the counties of Shelby and Franklin; and the said line, when so run, and the report thereof made to their respective county courts, shall be held and deemed the true line until otherwise directed by law.

Duties to be performed by surveyors of Christian and Hopkins.

Report to be made.

Sec. 5. That the surveyors of the counties of Shelby and Franklin, for running and marking said line, shall each be allowed the sum of three dollars per day, to be paid by their respective counties by a county levy. And the surveyors of the counties of Christian and Hopkins for running and marking the said line, shall be allowed the sum of three dollars per day each, to be paid by their respective counties in manner aforesaid. And the markers attending said surveyors, shall be allowed the sum of one dollar each per day, to be paid in the same manner.

Fees of the surveyors.

Markers to be paid.

CHAP. CCCCLXXVIII.

An ACT for the benefit of the Proprietors of Hodgenville.

Approved January 22, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that in the sale of lots in the town of Hodgenville, the trustees thereof, did through mistake, cause the notes for the purchase money to be executed to themselves instead of the proprietors of said town, as was directed by law ; and doubts arising whether suits can be maintained for the recovery of said debts : For remedy whereof,

Proprietors authorised to sue in their own names or the trustees, for the recovery of certain debts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Isaac Hodgen and John Hodgen, the proprietors of said town, be, and they are hereby authorised and empowered to institute any suit or suits that may be necessary for the recovery of the debts due as aforesaid, from the purchaser or purchasers of lots in said town ; and that for this purpose they may sue in their own proper names, or use the names of said trustees for the use and benefit of said proprietors.

CHAP. CCCCLXXIX.

An ACT for the benefit of the Sheriff of Hardin County.

Approved January 22, 1820.

Auditor to allow the am't. of a delinquent list.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts in his settlement with the sheriff of Hardin county for the collection of the revenue due from that county for the year 1818, shall allow him the amount of his delinquent list, which was sworn to by George Helm his deputy, before the clerk of the county court instead of the county court.

CHAP. CCCCLXXX.

An ACT for the relief of the Heirs of John Rice.

Approved January 22, 1820.

WHEREAS it is represented to the present general assembly of this commonwealth, that John Rice, late of Union county, died intestate, possessed of several tracts of land and town lots in said county, and of a tract of land in the county of Hopkins ; that his personal estate will not be sufficient to pay his debts ; and that some of his heirs are infants, unable to make sale of real estate ; and that it would be to the interest of his said heirs, as well as to that of his creditors, that authority should be given to sell and convey as much of the landed estate as will be necessary after exhausting the personal estate to pay the debts : Wherefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Edmund Rice, the administrator of said John Rice, deceased, be, and he is hereby authorised to sell at either private or public sale, for the best price that can be had on such credit as he may deem best, as much of said land or town lots as may be necessary to pay the debts due from the estate of the said John Rice, after having first applied to the payment of said debts the personal estate so far as it will go ; the purchaser or purchasers, to give bond and security for the payment of the purchase money. And in case of a public sale, the said Edmund Rice is to cause reasonable public notice to be given thereof ; and on the payment of the purchase money, the said Edmund Rice is authorised to convey the land or town lots to the purchaser or purchasers, conveying to them the right and title of said heirs only : *Provided nevertheless,* that the said Edmund Rice, before he proceeds to execute the powers herein delegated, shall enter into bond in the clerk's office of the said county of Union, with good and sufficient security, to be approved of by said court, in the penalty of sixteen thousand dollars, conditioned for the faithful performance of his said duty ; which bond shall be made payable to the said heirs.—

Adm'r. empowered to sell land to pay debts.

To give notice.

To convey the land sold.

Adm'r. to give additional bond.

Proceeds, how to be applied. That the money arising from the sale of said land, shall be by said Edmund Rice applied to the payment of the debts due from the estate of said John Rice, and the balance, if any, paid over to the heirs in such proportions as they may by law be entitled to. That such of the heirs of said John Rice as are of full age, shall, before the money is thus applied or paid over, unite with said Edmund in a deed or deeds of conveyance for said land to the purchaser ; and the deed thus executed by said Edmund Rice, shall be as binding on said infant heirs as if they were of full age.

Adult heirs to join in deed.

CHAP. CCCCLXXXI.

An ACT for the divorce of Sally Monrow.

Approved January 22, 1820.

WHEREAS it is represented to the present general assembly, that Sally Monrow hath been barbarously and inhumanly treated by her husband, John Monrow ; that he has not provided for her the necessary means of support ; that he hath totally abandoned her for between five and six years ; and that she is entirely dependant upon her father for the necessaries of life: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of the said Sally Monrow with the said John Monrow be, and the same is hereby totally dissolved, and the said Sally restored to the name of Sally Ashbrook.

CHAP. CCCCLXXXII.

An ACT to change the time of the annual meeting of the Legislature.

Approved January 25, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the

time of the annual meeting of the legislature of this state, shall be the third Monday of October, any law to the contrary notwithstanding.

CHAP. CCCCLXXXIII.

An ACT for the benefit of Fanny and James Strange.

Approved January 25, 1820.

WHEREAS it is represented to the present Recital. general assembly, that John Strange and his wife, late of Casey county, departed this life leaving two small children, Fanny and James Strange in extreme poverty ; that their father did in his lifetime purchase an improvement upon vacant land, upon which he resided at the time of his death : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be, and he is hereby authorised and directed to issue a land warrant for two hundred acres of land in the name of said Fanny Strange and James Strange, without any consideration or fee therefor ; which warrant may be located on the aforesaid improvement, or any other vacant land in this commonwealth, now subject to be appropriated by Kentucky land warrants ; and the register shall issue a patent or patents therefor, upon the return of the plat or plats and certificates as in other cases, and without fee.

Register of land office to issue them a warrant.

CHAP. CCCCLXXXIV.

An ACT for the benefit of Asa Blanchard and William Monroe.

Approved January 25, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Asa Blanchard be, and he is hereby authorised to re-convey to William Monroe, all the property, real and personal, that was conveyed to him in trust by the

said William, by deed recorded in the county court of Fayette ; and that after such re-conveyance, the said Asa shall be forever exonerated from all responsibility or liability on account of said trust.

CHAP. CCCCLXXXV.

An ACT for the benefit of John Henderson.

Approved January 25, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that John Henderson of Rockcastle county, has a large and helpless family ; that said Henderson has been for some time past afflicted with the white swelling, rheumatic pains, &c. supposed to be occasioned by his services in the late war, that totally render him unable to procure a support for his family : Therefore,

Authorised to appropriate 150 acres of land in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office is authorised and directed to issue a land warrant for one hundred and fifty acres to the said Henderson, directed to the surveyor of Rockcastle county, without the auditor's *quintus* for the state price being paid for the same ; which may be entered and surveyed on any waste and unappropriated land in Rockcastle county, and not elsewhere, any law to the contrary notwithstanding.

CHAP. CCCCLXXXVI.

An ACT erecting Election Precincts in the Counties of Nelson and Breckinridge.

Approved January 25, 1820.

Bounds of Nelson election precinct.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Nelson included within the following bounds, to wit : Beginning at the Rolling fork at the Washington county line ; thence with said line to the Knob lick ; thence a straight line to where the road from Bardstown to Nashville

crosses Landing run ; thence down Landing run to the mouth ; thence down the Beech fork to its mouth ; and thence up the Rolling fork to the beginning ; shall be, and the same is hereby erected into an election precinct in the said county of Nelson, to be called the Southern Precinct ; and that the qualified voters in said precinct, do meet at the house of Isaac Hall in the town of Newhope in said precinct, for the purpose of voting in all legal elections.

Name.

Place of holding elections therein.

Sec. 2. *Be it further enacted*, That the county court of Nelson, at the time they appoint a clerk and judges to the election to be held at their court-house, shall also appoint a clerk and judges to preside at the election to be held in the Southern Precinct ; and it shall be the duty of the sheriff of said county to attend by himself or deputy, and conduct the election to be held in said precinct ; which election shall be governed by the same rules and regulations as are now prescribed by law.

County court to appoint judges and clerk to conduct elections therein.

Sec. 3. *Be it further enacted*, That the sheriff who presides at, or conducts the election in the Southern Precinct, shall meet the sheriff who presides at the election held at the court-house in said county of Nelson, on the fifth day after the commencement of said election, at the court-house in said county, and compare the polls, and make return agreeable to the constitution and laws of this state.

Sheriffs to meet at the court-house & compare the polls.

Sec. 4. *Be it further enacted*, That all that part of the county of Breckinridge included in the following bounds, to wit : Beginning at the mouth of Sinking creek on the Ohio river ; running thence up said Sinking creek to where the road leading from Hardinsburg to Braninburg's ferry, crosses said creek ; thence with said road northwardly until it intersects the Breckinridge and Hardin county line ; thence with said county line westwardly to the Ohio river ; thence down the same to the place of beginning ; shall be erected into an election precinct in said county of Breckinridge ; and that the qualified voters do meet at the house of John Bruner, Jun. in said precinct, for the purpose of voting at all legal

Bounds of the precinct in Breckinridge county.

Place of voting

Judges and
clerks to be
appointed, &c.

elections ; and the county court of Breckinridge, shall appoint judges and a clerk to conduct the election in said precinct ; and the sheriff of Breckinridge county or his deputy, shall attend to conduct the polls ; and the said judges, clerk and sheriff or his deputy, shall be governed by the same rules and regulations now in force in relation to the judges, clerk and sheriff of the election held at Benjamin Blincoe's (for another precinct in said county of Breckinridge,) and shall receive the same pay for their services : *Provided however*, that nothing in this act contained, shall be so construed as to prevent any person entitled to vote living in the bounds of any precinct established by this act, from voting at the court-house, should he think proper to do so.

Proviso.

CHAP. CCCCLXXXVII.

An ACT for the benefit of the ninety-ninth Regiment.

Approved January 25, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that a new regiment has lately been formed in the county of Green, composed of a part of the sixteenth regiment, denominated the ninety-ninth regiment ; that the funds belonging to the said sixteenth regiment prior to its division, remain subject to the disposal of that regiment alone. And whereas it is deemed just that the said new regiment should have the use and benefit of an equal proportion of said funds : Wherefore,

The paymaster of the 16th regiment to pay certain funds to the paymaster of the 99th regiment.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the paymaster of the ninety-ninth regiment to call on the paymaster of the sixteenth regiment for an equal half of the money in his hands as paymaster of the said regiment ; that it shall be the duty of said paymaster to pay over to the paymaster of the ninety-ninth regiment, one equal half of all the money in his hands belonging to the sixteenth regiment at the time of its division as aforesaid ; and that the receipt and

acquittance of the said paymaster shall operate as a voucher in favor of the paymaster of the sixteenth regiment for so much as he shall then pay over.

Sec. 2. *Be it further enacted*, That the funds thus received by the paymaster of the ninety-ninth regiment, shall be disbursed and paid out by him in the same manner as other funds arising from the collection of fines and other dues, and the like remedies may be had against him in case of default.

How to be disbursed & paid out.

Sec. 3. *Be it further enacted*, That the judge advocate of the sixteenth regiment, shall make out three fair copies or lists of all the fines assessed on the delinquents in that part of the sixteenth regiment that now composes the ninety-ninth regiment, and deliver them to the commandant of the same on or before the first day of August next, whose duty it shall be to furnish the paymaster with one, and the sheriff of his county with another, on or before the first day of December next, to enable the sheriff to settle with the different paymasters, and keep one himself.

Duty of judge advocate of 16th regm't.

Sec. 4. *Be it further enacted*, That the sheriff shall settle with, and pay over to the regimental paymaster of the ninety-ninth regiment, all sums by him collected within the bounds of said regiment for the year one thousand eight hundred and nineteen, agreeably to the list made out by the judge advocate of the sixteenth regiment; and the paymaster of the ninety-ninth regiment shall have the same remedies against the sheriffs, for the said sums of money, as the paymaster of the sixteenth regiment would have had if this act had not passed.

Sheriff to make collections of certain fines, and settle with the paymaster of the 99th regm't.

Sec. 5. *Be it further enacted*, That all debts contracted by the sixteenth regiment prior to the passage of this act, shall be paid jointly by the paymasters of the sixteenth and ninety-ninth regiments, each paying an equal half of all such debts, under the same rules and regulations as are now prescribed by law, any law to the contrary notwithstanding.

The debts of the 16th and 99th regm'ts. to be paid by both in equal proportions.

CHAP. CCCCLXXXVIII.

An ACT to amend an act entitled "an act establishing a Turnpike on the road leading from Georgetown to Cincinnati, and for other purposes."

Approved January 25, 1820.

Additional
commissioners
appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joseph Kennedy and Jacob Fowler of the county of Campbell, William Harrison of the county of Pendleton, William Sebree of the county of Scott, Thomas T. Barr of the county of Fayette, William B. Long of the county of Woodford, William Furnish of the county of Harrison, and Jemison Hawkins of the county of Boone, be, and they are hereby appointed commissioners on the part and behalf of said counties, in addition to the commissioners already appointed by a law approved February the eighth, one thousand eight hundred and nineteen, establishing a Turnpike on the road leading from Georgetown to Cincinnati.

To have the
same power &
privileges as
those formerly
appointed.

Proviso.

Sec. 2. *Be it further enacted*, That the commissioners appointed by this act, for the counties aforesaid, shall have and possess, or a majority of said commissioners, the same powers and privileges, and be governed by the same laws in all things appertaining to the aforesaid road, as the commissioners first appointed by the above recited act: *Provided however*, The commissioners appointed by this act shall have or possess no power to annul, alter or change any act or acts done or performed by the former commissioners, agreeably to the law authorising the establishment of said Turnpike road.

Commissioners
to take an
oath.

Sec. 3. *Be it further enacted*, That the said commissioners appointed by this as well as the former act to which this is amendatory, shall, Before they enter upon the discharge of the duties imposed on them by said act, before some Justice of the Peace, take the following oath with a certificate thereof, to-wit: "I, A. B. do so solemnly swear (or affirm, as the case may be,) that I will faithfully discharge all the duties and trusts en-

joined on me by law, relative to said Turnpike road, to the best of my skill and judgment, without interest, favour, affection, or the hope of a reward. So help me God."

Sec. 4. *Be it further enacted*, That William Sanders and Garret Wall or either of them, their or either of their executors, administrators or assigns, upon a compliance with the laws relative to said road, may move the gates upon said road, each according to such arrangements as may be made by and between them, their executors, administrators or assigns: *Provided*, That when the gates are once located, they shall not again be removed and located at any other point on said road.

The undertakers permitted to move the gates on the road.

Proviso.

Sec. 5. *Be it further enacted*, If said Sanders and Wall, or either of them, their or either of their executors, administrators or assigns, shall desire to make a slight alteration in any part of said road, in order to avoid a hill, they shall make application to the county court of that county where such change may be wanted, which court shall issue a writ of *ad quod damnum* as in other cases of like nature; and on such writ being executed and the damages assessed, upon the payment of said damages and costs by the said Wall and Sanders, their heirs or assigns, it shall and may be lawful to change such part or parts of said road for public convenience: *Provided*, That the jury trying the writ of *ad quod damnum*, shall first determine that the change proposed by said Wall and Sanders does not materially affect the distance of said road, and will be of convenience to the public: *And provided also*, That said road shall not be so changed or altered as to be extended through the enclosure of any person or persons, without his, her or their assent thereto.

To make alterations in the road to avoid hills.

Mode of proceeding to obtain such alterations.

Proviso.

Sec. 6. *Be it further enacted*, That the said road, with all the rights, privileges and immunities, granted in the above recited act, shall pass to, and vest in the executors or administrators of said Sanders and Wall, or their assigns, for the space of twenty years from and after the fifth day of July 1819: *Provided however*, That

The rights and immunities granted to vest in the grantees and their executors, administrators and assigns for 20 years.

Proviso.

the said Sanders and Wall, their executors, administrators and assigns have heretofore complied, and will hereafter (during the aforesaid term of twenty years) comply with the provisions of the laws establishing said Turnpike road.

Who required to work, and who exempt from working on said road, and regulations concerning the same.

Sec. 7. *Be it further enacted,* That no person shall be compelled to work on said road who does not reside within three miles of the same; nor shall those persons living within three miles of said road be compelled to work thereon more than two days in each year; after the year one thousand eight hundred and twenty; and all and every person or persons now residing, or who may hereafter reside within three miles of said road, shall be compelled to work two days in each year, for and during the space of twenty years, from and after the fifth day of July, one thousand eight hundred and nineteen, saving to all persons who labour on said road, their families and property the privilege of passing the gates toll free for the space of time aforesaid, and during their continuance in said bounds.

Persons who work on the road exempt from paying toll, &c.

Persons who are exempted from paying toll.

Sec. 8. *Be it further enacted,* That every person or persons, not herein exempted, who shall pass or travel said road, shall pay the rate of toll in the above recited act, except public expresses, post riders, children under ten years of age, persons travelling on foot, all persons going to and returning from divine service, all persons going to and returning from musters appointed by law, and all witnesses and jurors going to and returning from any of the courts of this commonwealth.

Persons residing in a certain district required to work on said road.

Sec. 9. *Be it further enacted,* That all the hands who reside, or may hereafter reside west of a central line between what is commonly called Grant's mill road, passing by Samuel Sayers in Campbell county, and the old Georgetown road crossing the Bullock pen branch, and on the west side of the Georgetown road within the original bounds allotted to work on said road; and all the hands on the east side of said road opposite Mrs. Dickerson's, and within the original bounds allotted to work on said road under Z. Alphin, shall continue to work under said undertakers above named, any law to the contrary notwithstanding.

CHAP. CCCCLXXXIX.

An ACT for the formation of the County of Trigg out of the Counties of Christian and Caldwell.

Approved January 27, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of April next, all that part of said counties of Christian and Caldwell contained in the following boundary, to wit: Beginning at a point ten miles due west from the most westwardly limits of the town of Hopkinsville; thence southwardly to Lindsay's mill on Little river; thence due south to the Tennessee state line; thence west with said line to the Tennessee river; thence down the same to the mouth of a creek on which Levi Davis now lives; thence up said creek, leaving said Davis in Caldwell county; thence to the mouth of Crooked creek, so as to leave the inhabitants of said creek in the proposed county, except David Osburn, Esq.; thence towards Simon Shetford's horse-mill to the Christian county line, so as to leave the inhabitants of Hurricane creek in Caldwell county; thence with the present Caldwell line and Christian line to a point on said line within two miles of Colley's horse mill; thence from said two mile point south sixty east, to intersect a line running north from the ten mile point; thence south to the beginning; shall be one distinct county, called and known by the name of Trigg, in honor of colonel Stephen Trigg, who gallantly fell in the service of his country at the battle of the Lower Blue licks, on the nineteenth day of August one thousand seven hundred and eighty-two.

Boundary of new county:

Named in honor of Col. S. Trigg.

Sec. 2. The said county of Trigg shall be entitled to nine justices of the peace, who shall be appointed and commissioned as in other cases, who shall meet at the dwelling house of Samuel Orr in the town of Warrington in said county, on the third Monday in May next; and after taking the necessary oaths of office and qualifying their sheriff agreeably the constitution of the United States and of this state as required by law, they shall proceed to elect and qualify a clerk,

Justices of the peace to be appointed, where to hold first court.

To appoint a clerk.

to whose permanent appointment, it shall be necessary for a majority of all the justices in commission for said county to concur ; but if such majority cannot be obtained in favor of any one, then said court shall appoint a clerk *pro tempore*.

Time of hold-
ing county
courts.
Circuit courts.

Sec. 3. The county court for said county, shall hold their first term on the third Monday in May next, and on the third in each Month thereafter, except the months in which the circuit courts for said county shall be holden ; and the circuit courts for said county shall commence on the third Monday in May, August and November in each year, and may, if necessary, continue six judicial days ; and said county shall form a part of the seventh judicial district.

Courts of old
counties to re-
tain jurisdic-
tion in certain
cases.
Officers to
make collec-
tions, &c.

Sec. 4. The circuit and county court, and justices of the peace in Christian and Caldwell counties, shall have jurisdiction over all matters instituted prior to the commencement of this act ; and it shall be lawful for all sheriffs, collectors and constables in said Christian and Caldwell counties, to collect all fines and monies, and to execute all writs, executions and other process as the law directs, which are put in their hands previous to the commencement of this act ; and shall account for, and return the same as if this act had not passed.

Com'rs. of tax
to be appoint-
ed.
Public build-
ings to be erect-
ed.

Sec. 5. The county court of said county of Trigg, shall appoint commissioners of the tax in said county for the year one thousand eight hundred and twenty, who shall perform [the] duties, and be governed by the laws regulating commissioners of the tax in this state ; and the clerk and other officers of said county, shall in like manner perform their duties in relation thereto ; and said county court shall also, as soon as practicable, after the place for the permanent seat of justice for said county shall have been fixed upon, by commissioners as hereinafter mentioned, proceed to cause the erection of all necessary public buildings thereupon for said county of Trigg, and lay off and establish a town there, and do and perform every other matter in relation thereto, that county courts are by law authorised to do in this state.

Sec. 6. The place for the permanent seat of justice for said county of Trigg, shall be fixed upon by five commissioners, to wit : Thomas Champion of Caldwell county ; Dixon Given and William Thompson of Livingston county ; and Benjamin Vance and Leander J. Sharp of Warren county ; who shall meet at the house of Samuel Orr in the town of Warrington in said county of Trigg, on the third Monday in May next ; and thence proceed to select and point out an eligible place for the permanent seat of justice for said county ; and the said commissioners are hereby enjoined to pay a just regard to the most central, convenient and eligible site for that purpose, and make report thereof to the county court of the said county of Trigg ; but should said commissioners or a majority of them, fail to meet on the day herein mentioned for that purpose, they are hereby authorised and required still to meet at said place herein appointed, and proceed to perform all the duties herein required of them as soon as practicable thereafter, a majority or any three of whom, are hereby authorised to act and perform all the duties herein required ; and each of the said commissioners attending on the performance of their said duties herein mentioned, shall receive for their services, three dollars per day while necessarily absent from home attending on said business, to be levied and paid out of the first county levy laid for said county.

Comrs. to fix
the seat of justice.

Sec. 7. The surveyors of the counties of Christian and Caldwell, are authorised and required to meet at the beginning corner of said county of Trigg, on the fifteenth day of April next, thence proceed to lay off, run and plainly mark all the lines of the said county of Trigg, which have not heretofore been run and marked, and return a report thereof stating as nearly as practicable the centre of said county to the county court of Trigg ; for which services said surveyors shall receive three dollars per day each while they are necessarily engaged therein, besides a reasonable allowance for the implements, chain carriers

Surveyors to
run the boundary
lines of said
county.

and markers, to be allowed and paid out of the first levy to be laid for said county.

Com'rs. to receive donations.

Sec. 8. *Be it further enacted*, That the commissioners aforesaid, shall have power to receive donations, or to purchase lands not exceeding fifty acres, for the use of the county; and they shall take bond and security in either case payable to the county court, for the use and benefit of the county, which bonds shall be considered valid, any law to the contrary notwithstanding.

Courts to be held at seat of justice when fixed.

Sec. 9. *Be it further enacted*, That so soon as the commissioners appointed to fix upon a place for the permanent seat of justice for said county, and the county of Todd shall have done so, and made report thereof to the county courts of said counties respectively, it shall then be the duty of the county courts thereof to adjourn to the place so fixed upon for said permanent seat of Justice for said counties, or to some convenient house as near thereto as can be had, which shall thereafter be the place for holding the county and circuit courts, and elections for said counties until the public buildings shall be ready for their reception, after which they shall be held in the public buildings erected for that purpose in each county.

Elections.

Sec. 10. The place for holding elections in said county of Trigg, shall hereafter be at the place of holding courts in said county; and the sheriff shall meet and compare the polls in the town of Hopkinsville, as now directed by law.

CHAP. CCCCXC.

An ACT to amend the act reducing into one the several acts authorising the apprehending of fugitives from justice.

Approved January 27, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where any negro slave or slaves, have, or may hereafter runaway from his, her or their owner

The proceedings to be observed in a requisition from

er owners, and take protection in any of the United States, and the owner or owners of such slave or slaves, by themselves, their agent or any other person with their approbation, shall have removed, or shall hereafter remove any such slave or slaves from any other state within the United States into this commonwealth, and he, she or they have been, or shall hereafter be indicted for the same, in any one of the United States, and the governor of said state shall demand of the governor of this state the person or persons so indicted, or who may hereafter be indicted, to be delivered to him agreeably to the constitution of the United States and this state, it shall be the duty of the governor of this commonwealth, upon such requisition being made according to law, to issue his warrant to the sheriff of the county where such supposed fugitive may reside, if he has a known place of residence, requiring him to take into custody such supposed fugitive or fugitives from justice, as are named in such warrant and indictment, and bring him, her or them before a circuit judge; and if the circuit judge shall be of opinion that the person or persons named in such warrant and indictment, are the owner or owners of the slave or slaves named in such indictment, or that he, she or they acted as the agent, or by the approbation of the owner or owners of such slave or slaves, it shall be the duty of the judge to discharge the person or persons taken by virtue of said warrant, out of custody.

Sec. 2. *Be it further enacted*, That if the judge shall be of opinion that the person or persons taken into custody by virtue of the governor's warrant, is not the owner or owners of the slave or slaves, in the indictment found against him, her or them, in any one of the United States for stealing and conveying a slave or slaves which are not their own property; or that he, she or they did not act as the agent, or by the approbation of the owner or owners of such slave or slaves, then it shall be the duty of the judge to re-

the executive of another state to the executive of this state for a fugitive from justice indicted on a charge of removing slaves from other states to this state.

Governor to issue his warrant to the sheriff of the county where the supposed fugitive resides.

Sheriff to take fugitive before a circuit judge.

Circuit judge may discharge the supposed fugitive upon proving himself the owner of the slave, or duly authorized by the owner to retake such slave.

Or may remand him or them into custody.

mand such person or persons into custody again, to be dealt with according to the laws now in force on that subject.

CHAP. CCCCXCI.

An ACT for the relief of Benjamin Benedict.

Approved January 29, 1820.

WHEREAS it is represented to the General Assembly, that Benjamin Benedict has obtained a decree in the Allen circuit court against Moses Spencer for two hundred acres of land, surveyed in virtue of a commissioner's certificate, number one thousand six hundred and eighty-three, on the waters of Walnut creek, and that the court directed David Walker, jr. by the decree, to assign a copy of the plat and certificate to said Benedict, which has been done; and whereas the Register refuses to receive the copy of said plat and certificate into his office, and issue a grant thereon to said Benedict: For remedy whereof,

Recital.

Register directed to issue a grant to Benedict for 200 acres of land.

Proviso.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land office, shall be, and he is hereby authorised and required to receive the copy of said plat and certificate of survey, assigned as aforesaid, into his office, and issue a grant thereon as in other cases, to said Benedict: *Provided,* That nothing herein contained, shall be so construed as to affect the rights of any person or persons not concluded by said decree.

CHAP. CCCCXCII.

An ACT for the divorce of Nancy Roberts.

Approved January 29, 1820.

WHEREAS it is represented to the present General Assembly, that Nancy Roberts of Lincoln county, has been abandoned by her husband, Thomas Roberts, for several years; that she has

been cruelly treated, and that he has provided no means whatever for her support: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between the said Nancy and Thomas Roberts be, and the same is hereby totally dissolved: Provided however, That either of the parties shall have full liberty to contract matrimony.

CHAP. CCCCXIII.

An ACT to amend an act to establish the Town of Fairfield.

Approved January 29, 1820.

WHEREAS it appears, that through some mistake the outlines of the lot of ground designated for the town of Fairfield in Nelson county, as to the courses thereof, have been so represented by placing the figure of three in two instances in the place of the figure of eight, so as to make it read (in the law establishing said town) north thirty degrees west, instead of north eighty degrees west, and south thirty degrees east, instead of south eighty degrees east, which would throw it fifty degrees out of square, and would also reduce the quantity of ground very considerably; and further, instead of the ground all being the property of John Bodin's heirs, there were several other proprietors: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town as it has been laid out including Turkey town of twenty acres, running at right angles by amending the courses as herein mentioned, shall be, and the same is hereby as legally the town of Fairfield, as though the mistake herein mentioned had not existed.*

Rectal.

Bounds of the town fixed and corrected and town established.

Sec. 2. *Be it further enacted, That the money arising from the sales of the lots of the land of the proprietors not mentioned in [the] law establishing the said town, shall be paid to the proprietors or proper owners of the land according to the sales thereof.*

The money for sales of lots to be paid to the proprietors.

CHAP. CCCXCIV.

An ACT to legalize the proceedings of the Trustees of the Town of Falkmouth.

Approved January, 29, 1820.

Recital:

WHEREAS by the eighth section of the act entitled "an act to regulate the town of Falkmouth, and for the benefit of the Harrison and Nicholas Academies," approved February fifth, one thousand eight hundred and seventeen, among other things it was enacted, "that the trustees after they are elected, shall meet at the court-house in said county." And whereas, after the election of said trustees under the above recited act, they met at the clerk's office in said county instead of the court-house, and proceeded to do business; and as it is doubted whether the proceedings of the said trustees are valid in law, owing to their having been transacted at the clerk's office: For remedy whereof,

The proceedings of the trustees legalized and confirmed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of the said trustees are hereby confirmed and declared valid in law to every intent and purpose whatever, in the same manner as if they had been done and performed at the court-house in said county agreeably to the provisions of the aforesaid act: *Provided,* that any person or persons, who may have been aggrieved by any act or acts of said trustees, may apply to a court of law or equity for redress, in the same manner as if this act had not passed.

Proviso.

The trustees may meet at the courthouse or clerk's office.

Sec. 2. *Be it further enacted,* That it shall be lawful for the said trustees, hereafter to hold their meetings in the clerk's office aforesaid, or in the court-house, as to them shall be most convenient: *Provided,* that upon a determination of a change from one place to the other, notice thereof shall be given by public advertisement at two of the most public places in said town.

CHAP. CCCCXCV.

An ACT to add a part of Knox County to Harlan County, and for other purposes.

Approved February 4, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Knox contained in the following boundary, shall be added to, and form a part of the county of Harlan, to wit: Beginning at the mouth of Straight creek; thence a direct line to strike the Tennessee state line five miles west of the Cumberland Gap; and thence to the Cumberland Gap in the Virginia state line, and at present a corner of Harlan county; thence to the beginning.

Boundary of
the part added

Sec 2. *Be it further enacted,* That it shall be lawful for the justices of the peace and other officers heretofore appointed in and for the said county of Harlan; to take the oaths of office prescribed by the constitution and laws; and shall thereupon proceed to appoint a clerk and other officers for said county which the constitution authorises the county court to appoint; and to hold their courts in and for said county, as is directed in the act entitled "an act for the division of Knox county," approved twenty-eighth January one thousand eight hundred and nineteen; the provisions of which said act, shall be in full force, and shall apply in every respect to the year one thousand eight hundred and twenty.

Officers of Harlan county to take the oaths of office.

Sec. 3. *Be it further enacted,* That all surveys heretofore made by the surveyors of Knox county within the bounds of Harlan county, shall be as valid, and shall be received into the register's office, and shall have the same effect in law and equity, as if the same had been made by a surveyor regularly commissioned and qualified in and for the county of Harlan.

Surveys made in Harlan the last year legalized.

Sec. 4. *Be it further enacted,* That all marriages solemnized by any justice of the peace within the county of Harlan, who was appointed for that purpose by the county court of Knox county, shall be, and the same are hereby legalized.

Marriages legalized.

CHAP. CCCCXCVI.

An ACT for the Divorce of Sally Tully of Washington County.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly, that Sally Tully of Washington county, has been abandoned by her husband, Lewis B. Tully for upwards of two years; that he has left no means whatever for her support: Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of Sally Tully with the said Lewis B. Tully, shall be, and the same is hereby totally dissolved.

CHAP. CCCCXCVII.

An ACT for the Divorce of David Owens of Rockcastle County, and Rebecca Atkins of Franklin County.

Approved February 4, 1820.

David Owens.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of David Owens with Winney Owens, shall be, and the same is hereby totally dissolved.*

Sec. 2. Whereas it is represented to this general assembly, that Willis Atkins of the county of Mercer, about twelve months since, abandoned his wife, Rebecca Atkins, and ran off with another woman to parts unknown: Therefore,

Rebecca Atkins.

Be it further enacted, That the said Rebecca Atkins be, and she is hereby divorced from her said husband Willis, and that she be restored to all the privileges and immunities of a feme sole, from and after the passage of this act.

CHAP. CCCCXCVIII.

An ACT for the benefit of Elizabeth Holt.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly, that Andrew Todd, deceased, devised by his last will and testament to Robert Trimble, Hugh Brent and William Hodge, two in-lots of land, situate in the town of Flemingsburg, and known on the plat of said town by their Nos. 12 and 13, and the western moiety of out-lot, No. 3, in trust for the use and benefit of his daughter, Elizabeth Holt, for and during her natural life, and at her death to descend to her heirs at law; and the said trustees have represented that the same is unproductive, and with the assent of said Elizabeth Holt, have petitioned this legislature for power to sell or exchange said lots, and to procure other real estate: Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Robert Trimble, Hugh Brent and William Hodge, trustees as aforesaid, or the survivor or survivors, shall have full power and authority to exchange said lots of land for other real estate, or to sell the same, and to vest the proceeds thereof in other real estate; and in either event, it shall be lawful for them to execute deeds of conveyance for said lots of land, which shall vest the title in the purchaser in as full and ample manner as if they held the fee simple estate therein, and the real estate they shall acquire either in exchange or by purchase, they shall take the title to themselves, in trust for the use of said Elizabeth Holt, for and during her natural life, and at her death to descend to her heirs at law.

Com'rs. to sell certain lots & vest the proceeds in real estate.

To be held subject to the trust contained in the will of Andrew Todd.

CHAP. CCCCXCIX.

An ACT for the benefit of David Brown.

Approved February 4, 1820.

WHEREAS it has been represented to the present General Assembly, that David Brown of

Recital.

Livingston county, did carry into grant 150 acres of head right land in said county in the name of William Brown, but that the surveyor made a mistake in the courses, and that the survey as made does not include the land intended, and that he applied to said county court for a re-survey of said land, which has been done, examined and certified by the court, but the Register refuses to take in and cancel the patent and issue another on the re-survey :

Register to
cancel a patent
and file a re-
survey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be, and he is hereby directed to take in and cancel the aforesaid patent, and receive and file the re-survey with the original papers, and register the same, and issue a patent on said re-survey for 150 acres of land, as in other cases : *Provided however,* That the patent issued on the re-survey shall not affect the claim of any other person.

Proviso.

CHAP. D.

An ACT for the relief of the Surveyor of Jefferson County.

Approved February 4, 1820.

Further time
allowed to
give his office
bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the surveyor of Jefferson county, to enter into bond and security for the faithful discharge of the duties of his office, within five months from and after the passage of this act, as required by law ; which bond, when executed, shall have the same effect as if it had been executed as required by an act entitled "an act concerning the bonds of certain officers, guardians, administrators and executors; approved January 23, 1810."

CHAP. DI.

An ACT to amend the Law concerning Constables.

Approved February 4, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when the security or securities of any constable in this commonwealth, may think himself or themselves liable to sustain any loss or damage in consequence of such securityship, the county courts respectively, on the motion of any such security, shall rule such constable, to give counter security, ten days' notice having been given in writing.

Constable may be ruled to give additional security.

Sec. 2. That if any constable shall fail to give such security, being ruled thereto by the court, the court shall forthwith dismiss said constable from office.

Sec. 3. That the several county courts in this commonwealth, shall, at or before the July term of their respective courts next, lay off their respective counties into districts not exceeding seven, and appoint one constable in each district, and no more ; and that each county town, shall compose one additional district, and no more ; in which, not more than two constables shall be appointed in the discretion of the court.

County courts to lay off counties into districts.

Sec. 4. If any county court shall fail to lay off said county into districts, and appoint a constable in each, as is hereby directed, the clerk of said court shall certify to the next circuit court of said county such failure, whose duty it shall be to award a *mandamus* against the justices of the county court, and cause to be executed the provisions of the third section of this act.

If they fail, a mandamus to be awarded against them.

Sec. 5. No warrant in any civil suit shall be returned in any other district than that in which the defendant resides, unless the defendant shall desire otherwise in writing ; and whenever a warrant is against two or more defendants residing in different districts, the same may be returnable in either of said districts : *Provided however*, that where a defendant resides out of the county, in which the warrant is served on him, it shall be the duty of the constable serv-

Warrant not to be returned out of the district in which deft. resides.

ing the warrant, to return the same before a justice of the peace within the district in which the warrant shall be served.

Penalty of
their bond.

Sec. 6. Every constable appointed under the provisions of this act, shall execute bond with approved security in open court, in the penalty of not less than two thousand dollars, at the discretion of the court, subject to the like rules, limitations and restrictions as heretofore.

Liabie for mo-
ney collected
on a bond.

Sec. 7. That any constable receiving any writing obligatory or account for collection, and [who] shall collect the same without execution, the same proceedings may be had against him and his securities, as could, or might be had against such constable and his securities for monies collected by him on execution ; and he shall not be entitled to any commission for the same.

Not to levy
process where
in he had or
may have an in-
terest.

Sec. 8. No constable shall hereafter serve any warrant, or levy any execution or attachment, wherein he has had, or may have an interest in the debt or demand whereon the same shall be founded, under the penalty of ten dollars for every such offence, recoverable as like sums are, by any person who may sue for the same.

A minor not to
be appointed.

Sec. 9. No person shall be appointed a constable who is not twenty-one years of age, nor shall a constable hereafter be appointed unless a majority of the justices of said county are present.

Sheriffs not to
execute war-
rants in civil
cases.

Sec. 10. Hereafter no sheriff or deputy sheriff, or collector of the revenue, shall be appointed to the office of constable, or serve any warrant in a civil case, or levy an execution issued on a judgment of a justice of the peace in such case : *Provided*, that nothing herein contained, shall prohibit any sheriff or deputy, from serving any warrant of attachment, or levying an execution, or executing any order of sale thereon, or from executing any warrant of forcible entry or detainer, for executing any order for restitution thereon.

All to go out of
office when
districts are
laid off.

Sec. 11. So soon as the county courts shall lay off their respective counties into districts, the offices of the several constables in this commonwealth, shall be, and are hereby declared vacated ; and appointments shall be made therein under the provisions of this act.

Sec. 12. If any constable appointed under this act, shall fail to state in the body of any receipt by him given to any defendant or defendants in an execution, the amount actually paid, he shall forfeit and pay to such defendant or defendants, the sum of ten dollars, recoverable as like sums now are. To state in their receipts the am't. of money.

Sec. 13. The several constables herein directed to be appointed, shall have full power and authority to levy any execution or attachment, or to serve and execute warrants or other process any where within the limits of his county. May execute process any where in county.

Sec. 14. The county courts for the counties of Fayette and Jefferson, may appoint in the towns of Lexington and Louisville, each, any number of constables not exceeding four. Four constables allowed to Louisville and Lexington.

Sec. 15. Any constable collecting money by virtue of any execution or order of sale, issued from any justice of the peace of this commonwealth, and failing to pay the same over when called on, it shall be lawful for the party entitled to said money, to move against said constable and his securities before the justice of the peace who rendered the judgment; and upon his absence, resignation or removal from office, then the party aggrieved may move against said delinquent constable and his securities, before some convenient justice of the peace, by giving them ten days' notice in writing of the intended motion; which judgment shall be rendered agreeable to the laws now in force giving damages against delinquent constables. Motions may be made against them.

CHAP. DII.

An ACT to amend an act for the erection of a Bridge across Rough Creek in Ohio County.

Approved February 4, 1820.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act entitled "an act for the erection of a bridge across Rough creek in the Second sec. of former law repealed.

county of Ohio," approved January the fourth, one thousand eight hundred and ten, be, and the same is hereby repealed, and the following section substituted for the same.

Com'rs. to superintend the building said bridge, and their powers and duty.

Sec. 2. *Be it further enacted*, That Robert Mosely, Jun. Thomas Myers, Samuel Morton, Charles M'Crary, John Bennet, Sen. James Baird, Jun. Robert Barnett and Mosby James, are appointed commissioners to superintend the building of said bridge; and it shall be lawful for said commissioners, or any four of them, to set on foot a subscription for the purpose of raising a sufficient sum of money to defray the expense which may accrue in consequence of erecting and building said bridge; and the commissioners shall have full power and authority to sue for, and recover any money or property which may be subscribed for the purpose aforesaid, by warrant or otherwise.

CHAP. DIII.

An ACT for the benefit of Elizabeth Sellers.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly, that Jasper Myers entered one hundred acres of land in the county of Knox at the January term 1806; and caused a survey to be made thereon on the 10th day of January, one thousand eight hundred and six, by the surveyor of Knox county, and afterwards assigned the same to Thomas A. Brady, and said Brady assigned his right to Lewis Rentfro, and that said land was sold from Rentfro, and transferred through several hands by parol only, and finally fell into the hands of Elizabeth Sellers, who now resides on said land, and is the proper owner by parol contract: For remedy whereof,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said Elizabeth Sellers producing to the register of the land office, the survey made by said Myers for the one hundred acres of land, with the county

Recital.

Register to receive a plat & certificate and issue grant.

court certificate, number three hundred and thirty-four, and the auditor's quietus for the state price being paid on said land, the register is authorised and directed to issue a grant to said Elizabeth Sellers as in other cases, as assignee of William French, any law to the contrary notwithstanding: *Provided*, that nothing herein contained shall be so construed as to affect the rights of any person or persons in any way entitled to the land.

CHAP. DIV.

An ACT for the benefit of Sally Lawrence.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly, that Sally Lawrence of Clay county, is the widow of—Lawrence deceased, who was, previous to his decease in possession of a land warrant for fifty acres of land, situated in the aforesaid county of Clay, upon which Sally Lawrence now resides; and that said Sally Lawrence is poor, having to support a large family of children, and is destitute of the means of securing said land, on account of her inability to pay the state price for the same; and that said warrant since the decease of said—her husband, cannot be found: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when a plat and certificate of survey including the said residence of said Sally Lawrence, shall be returned to the register's office in due form of law, that it shall and may be lawful for the register of the land office, to issue a grant for the said fifty acres of land to said Sally Lawrence, as though the state price had been paid, which is hereby remitted.

Recital.

Plat and certificate to be returned and patent to issue. State price remitted.

Sec. 2. *Be it further enacted*, That said Sally shall have in said land only a life estate, and the same shall, at her decease, descend to the heirs at law of said—Lawrence; *Provided*, he shall have any; and in case he shall have no legitimate

A life estate in said land vested in the widow and to descend to the heirs of the

husband, or to child or children to inherit the same, the said land shall revert to the commonwealth, and the title thereto as fully vest in the said commonwealth as though this act had not been passed.

CHAP. DV.

An ACT to increase the powers of the Trustees of Richmond, Hopkinsville and Augusta.

Approved February 4, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the towns of Richmond and Hopkinsville shall, in addition to the powers which they now possess by law, have the power to remove from the main streets of their respective towns, any blacksmith's shop, baker's shop, or other building from which they may in their sound discretion, apprehend danger from, or injury to the health of the citizens of said towns: *Provided however*, they shall give thirty days' notice in writing of their intention to do so, to the occupiers of such buildings.

Trustees of Richmond and Hopkinsville may remove certain buildings from the main streets.

Proviso.

May tax showmen.

Sec. 2. *Be it further enacted*, That the trustees of said towns respectively, shall have power to levy and collect by distress or otherwise, of any showman of whatever description or kind, such tax as they, the said trustees respectively, in their discretion may deem reasonable, on any person or persons who shall exhibit within said towns, or within one half mile of the incorporated limits of said towns, any law to the contrary notwithstanding.

Trustees of Augusta may levy additional taxes.

Sec. 3. *Be it further enacted*, That the trustees of Augusta, in the county of Bracken, be, and they are hereby authorised and empowered to levy and collect annually, from the lot holders in said town, any sum not exceeding two hundred dollars, in addition to the tax now authorised to be levied, to be collected in the manner now authorised, and appropriated towards the improvement of the streets, allies and harbour of said town.

Sec. 4. *Be it further enacted*, That the trustees of said town shall be, and they are hereby authorised to receive and have recorded the plat of that part of the out-lots of said town which have been laid off by William Buckner, into in-lots, streets and alleys ; and being so received and recorded, shall to all intents and purposes, be considered as forming a part of the in-lots of said town. May record a plat of Augustar

CHAP. DVL.

An ACT for the divorce of Jane E. Plummer.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly, that Jane E. Plummer of Franklin county has been cruelly treated by her husband, William Plummer ; that his conduct to her has been often so menacing as to render it unsafe for her to live with him ; that he has profusely wasted his means of support, and is completely abandoned to idleness and dissipation of the lowest kind, and has associated himself with play actors in different parts of the United States ; that she has left him and returned to her father, who is willing to support her and her infant daughter : Wherefore, Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of the said Jane E. Plummer with the said William Plummer, shall be, and the same is hereby totally dissolved. J. E. Plummer divorced from her husband.

CHAP. DVII.

An ACT concerning the town of Bedford in Henry County.

Approved February 4, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Davidge, Archelaus Hoskins, Daniel Farley, Jack Pryor and William Gatewood, gentlemen, Trustees thereof.

be, and they are hereby confirmed in their appointment as trustees of the town of Bedford in the county of Henry, and may do and perform any and every act, that they were authorised to do and perform by the law establishing said town, until their successors shall be duly elected.

Hereafter how
to be elected.

Sec. 2. The free holders of lots in said town, may, on the first Saturday in March in every year, meet and elect five trustees for said town, who shall themselves be free holders, which election shall be conducted by one or more of the former trustees, unless they shall have first appointed a clerk of their board, in which event it shall be his duty to conduct said election, and carefully certify the result thereof to the clerk of the county court of Henry, to be by him recorded and kept on file ; and the trustees so elected, or a majority of them, shall and may fill all vacancies that may happen in the board between the times of their elections, and remain in office until their successors are duly elected, according to the provisions of this section ; and the said trustees, or a majority of them, are hereby invested with full power at all times, to do and perform all and every act in relation to said town in regulating its police, which is not inconsistent with the constitution and the laws of this land.

Their powers.

CHAP. DVIII.

An ACT for the benefit of Jane Stone.

Approved February 4, 1820.

Recital.

WHEREAS it appears to this general assembly, that Jane Stone is in indigent circumstances, and that she has become entitled to one hundred and sixty acres of land by virtue of an Adair county court certificate, No. 216, granted to Thomas Smith, and by him assigned to said Jane, and that she is unable to pay the state price thereon : Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register

of the land office be, and he is hereby authorised to issue a patent to said Jane Stone for the aforesaid one hundred and sixty acres of land, upon the plat and certificate being returned, and without the state price being paid thereon.

Register to issue patent without state price.

CHAP. DIX.

An ACT to endow a Seminary hereafter to be established in the County of Owen, and for other purposes.

Approved February 4, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That John C. Bacon, Cyrus Wingate, John Glass, James Hern-
don, Colby Shipp, John Scrimsher and Samuel Thomason, be, and they are hereby appointed trustees, and constituted a body politic and corporate, who, or a majority of whom, may fill vacancies which may happen by death, resignation or otherwise ; and the said trustees shall be, and they are hereby invested with all the powers, rights and privileges, which are now by law vested in the trustees of any seminary or college within this state ; and by a majority of said trustees may fix on the name and permanent seat of said seminary.

Trustees of Owen seminary incorporated.

Sec. 2. The said trustees shall be, and they are hereby authorised to have located, surveyed and patented within this commonwealth, or within the county of Owen, six thousand acres of unappropriated land in one or more surveys. for the use of a seminary of learning, hereafter to be established in the county of Owen: *Provided*, that said trustees shall not appropriate any land under this act west of the Tennessee river, or any land acquired by the treaty of Tellico.

May locate lands.

Sec. 3. That said trustees may sell and dispose of any portion of said land not exceeding one half thereof, for the purpose of defraying the expences of locating, surveying and patenting the same.

County courts may have located seminary lands for counties hereafter established.

Sec. 4. That each county heretofore established in which seminaries have not been provided for, and which have not six thousand acres of land appropriated for the use of seminaries in such counties, and each county which may hereafter be established, shall, through their respective county courts, cause to be entered, surveyed and carried into grant, any quantity of vacant and unappropriated land in this commonwealth, not exceeding six thousand acres, for the use of seminaries in such counties respectively : *Provided however*, that no entry or survey shall be made on the lands acquired by the treaty of Tellico, or west of the Tennessee river.

Further regulations to be made by court.

Sec. 5. That all seminaries provided for by the previous sections of this act, shall be named after the counties respectively, whose courts under the said section of this act, are authorised to appropriate said quantity of six thousand acres of land ; and all entries, surveys and grants, shall be made in the name of the " Seminary of _____ county," which blank shall be filled with the name of the county for which the entry, survey or grant shall be made.

Courts may have the lands located.

Provide.

Sec. 6. That the county courts of such counties as are authorised to appropriate six thousand acres of land as aforesaid, may make such contracts for locating and surveying said lands, as they may deem just and proper, either by contracting to give a part of the land not exceeding one half, or money to the locators and surveyors for their services : *Provided*, that nothing herein contained, shall authorise the trustees of Owen county to locate more than the six thousand acres provided for in the second section of this act ; nor shall said county of Owen or the county court thereof, be entitled hereafter to any further appropriation of land for that or any other seminary in said county.

CHAP. DX.

An ACT for the Divorce of Joshua Pyle.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly, that Joshua Pyle about the 27th of July, 1819, intermarried with one Lucinda Woodard, under the expectation and belief that she was a virtuous and chaste woman, and that he was induced to said marriage by the purest and unfeigned love and attachment to her; but to his utter astonishment and confusion after his marriage rights were celebrated, he discovered that she was sometime advanced in a state of pregnancy by another man: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bonds of matrimony solemnized between the said Joshua Pyle and Lucinda Woodard, shall be, and the same are hereby annulled, set aside and declared void.

CHAP. DXI.

An ACT concerning the Town of Paris.

Approved February 4, 1820.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that a slip of land forming a part, and adjoining the town of Paris, claimed as private property, intervenes between High Street and Huston; and that in consequence of the situation of the lots included between High, Main, Mulberry and Locust Streets, ponds of stagnated water are continually forming and increasing about the centre of those lots, greatly injuring the health of the inhabitants of said town; and that the stagnated water cannot be drained without considerable expence in any other way, except by extending Locust Street to Huston: For remedy whereof,

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful for the trustees of the town of

County court
of Bourbon
may extend a
street in Paris.

Paris, by petition addressed to the county court of Bourbon county, to apply to said court for the purpose of having Locust Street extended from High Street across Huston to its north-western banks ; which petition shall state the names of the persons, if known, claiming the slip of land through which said street is to be extended ; whereupon the said court shall direct their clerk

Summons to be
sue against the
proprietors of
the lots.

to issue a summons against all the proprietors or claimants named in said petition, to shew cause, if any they have, at the next succeeding term of said court why said street should not be extended ; which summons shall be executed on all the proprietors or claimants aforesaid, who shall reside in the county of Bourbon, or upon their agents, if they have any in the county. Upon the return of said summons executed, at the next term of said court any of the said proprietors or claimants of said slip of land, may have a

They may have
a writ of *ad
quod damnum*
issued.

writ of *ad quod damnum* to ascertain the damage which may accrue to him, her or them, by reason of the extension of said street through his, her or their land ; which writ shall be issued, directed, executed and returned, in like manner as such writs are under the laws for the establishment of roads.

If the proprie-
tors do not ap-
ply for a writ,
street to be ex-
tended.

Sec. 2. Upon the return of such summons executed as aforesaid, to the next term of said court, if none of said proprietors or claimants shall then apply for a writ of *ad quod damnum*, the court shall then make an order that Locust Street shall be extended the same width through the said slip of land across Huston to its north-western bank ; and if any of the proprietors or claimants, shall at the return of the summons aforesaid, have applied for a writ of *ad quod damnum* as aforesaid, upon the return of said inquest at the succeeding term of said court, the said court shall in like manner make an order that said street shall be extended as aforesaid ; and also, make an order that the trustees of said town shall pay into court for the use of said proprietors or claimants respectively, the sum or sums of money assessed by the jury ; and whenever the said sums of money shall be paid into court by the trustees agree-

Trustees to
pay the sum as-
sessed.

ably to the said order, the said trustees shall be invested with full power to extend the said street as aforesaid, by removing obstructions, and by other means, as they have with regard to the other streets of said town; and the said street, thus extended, shall be under the jurisdiction of said trustees as fully and completely as the other streets of said town now are.

The street as extended, to be under the jurisdiction of the trustees.

Sec. 3. For the purpose of carrying this act into effect, the trustees of said town are hereby authorised, if necessary, to levy an additional tax on the inhabitants of said town not exceeding the sum of two hundred dollars per annum, until the expence of opening said street shall be defrayed; which tax shall be collected and accounted for in the same manner as the town tax now is.

Trustees may lay an additional tax.

Sec. 4. The limits of the town of Paris, shall not hereafter extend farther than the north-western bank of Huston creek, but shall be bounded thereby, the whole extent of the limits of said town in that direction, any law to the contrary notwithstanding.

Paris not to extend beyond N. W. bank of Huston.

Sec. 5. The lots and streets laid off by Thomas Jones, James W. Jones and Joseph Galloway, as an addition to the town of Paris at the southern end thereof, and a plat of which is recorded in the clerk's office of Bourbon county, with the deeds of conveyance from James W. Jones and Thomas Jones to Joseph Galloway, and from Joseph Galloway to Thomas Jones and James W. Jones shall be, and the same are hereby added and annexed to the said town as part thereof, according to the plat aforesaid; and the trustees of said town, shall in all things have the same powers over and within the said addition, that they have or may have over and within said town.

An addition to the town.

CHAP. DXII.

An ACT to amend "an act to open a road from Mountsterling to the Virginia line by way of Prestonsburg, and for other purposes, approved December 28, 1818."

Approved February 4, 1820.

Road as now
opened estab-
lished.

Commr's to
receive road,
pay underta-
kers.

If they refuse
may move a-
gainst them, or
bring suit.

Commr's. to
pay another
undertaker
when the work
is done.

Undertaker
may maintain
his action if
they refuse.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the road as now opened by virtue of the above recited act; shall be, and the same is hereby established on the ground whereon the same is now cut out and opened; and the commissioners appointed under said act, are hereby authorised and directed to receive from Jonathan Myers and Charles White that part of said road cut out and opened by them, and shall pay over to them the amount stipulated to be paid for cutting out and opening the same; and if said commissioners shall refuse to pay the same, it shall be lawful for said Myers and White to recover the same by an action on the case, or by motion, ten days' previous notice thereof being given, before any court having jurisdiction thereof; and the court before whom said trial shall be had, shall give judgment and award execution as in other cases, and the clerk of said court shall endorse on said execution or executions, that no security shall be taken, and the sheriff or other officer shall obey the same accordingly.

Sec. 2. The said commissioners shall be, and they are hereby authorised and directed to pay to Samuel May, who was also employed to cut out and open a part of said road, the amount stipulated to be paid by them to him, whenever he shall have cut out and opened his part of said road and put it in as good condition as that part opened by the said Myers and White; and if the said commissioners shall refuse to pay to the said May the amount of money stipulated to be paid by them to him, for cutting out and opening said road, when the said May shall have cut out and opened his part of said road in manner aforesaid, the said May shall have his action on the case, or motion against them, subject to the same rules

and regulations as are prescribed in the first section of this act.

Sec. 3. When the undertakers of said road shall have cut out, opened, said road and completed the same agreeably to the provisions of the above recited act, the said commissioners, or a majority of them, shall impartially ascertain the value of the labour done on the said road by the undertakers ; and if the value of the labour performed by said undertakers, or either of them, shall in the judgment of the commissioners, exceed the amount stipulated to be paid them, or either of them, then the said commissioners shall certify the same under their hands and seals; and on said undertakers, or either of them, producing such certificate to the register of the land office, it shall be his duty to issue, in favour of said undertakers, or either of them, a land warrant or warrants for the amount as certified, without the state price being paid therefor : *Provided*, that the amount of the value of land warrants so to be allowed, shall not exceed five hundred dollars at the state price : *And provided also*, that the said warrants shall not be located on any land except in the counties of Montgomery and Floyd.

Commr's. to ascertain the value of the work.

If it exceeds the amount to be paid.

The undertakers to receive land warrants for the excess.

Proviso.

CHAP. DXIII.

An ACT for the benefit of William Guthrie of Franklin County.

Approved February 4, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between William Guthrie and Catharine Guthrie, late Catharine Reese, be, and the same is hereby dissolved, and rendered and made totally null and void, in consequence of gross instances of want of chastity and conjugal fidelity on her part ; and that the said William Guthrie be, and he is hereby discharged from his matrimonial ties and engagements, as fully and as completely as though he had never intermarried with the said Catharine, any law, usage or custom to the contrary notwithstanding.

CHAP. DXIV.

An ACT for the benefit of the heirs of James Mitchell, deceased.

Approved February 7, 1820.

Recital.

WHEREAS it is represented to the General Assembly of this commonwealth, that James Mitchell deceased, in his life time, purchased a house and lot in the town of Bloomfield, Nelson county, and gave his obligation for one thousand five hundred dollars, the purchase money, and that the personal estate is insufficient to meet said demand : Therefore,

Adm'rs. authorised to sell lot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Francis Hagan and John Lilly, administrators of the estate of the said James Mitchell deceased, have, and are hereby invested with full power and authority to proceed and sell said house and lot, and convey the same to the purchaser, for the best price that can be had, on a credit of one year, taking bond with good security for the purchase ; which money, when paid, shall be applied to the discharge of the obligation given by the said Mitchell, upon the purchase of said house and lot.

CHAP. DXV.

An ACT to authorise the citizens of Bracken county to declare by vote for or against the removal of their seat of Justice.

Approved February 7, 1820.

Judge to open a poll at the next election.

Citizens may vote thereon.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judges of the elections, to be holden in the county of Bracken, shall, at their next election, to be holden in August next, cause two additional columns to be opened for the purpose of ascertaining the will of the citizens of said county, as to the propriety of removing the seat of justice from the town of Augusta ; and each voter may, at the time of giving his vote for a representative, also express his opinion for, or against the removal

of the seat of Justice; and it shall be the duty of the clerk of the election to set down the votes for and against the removal; and the judges of said election shall certify the same, and the sheriff shall make return thereof to the Secretary's office, on or before the first day of November next; whose duty it shall be to lay the same before the legislature at their next session:

Clerk to certify the votes to the Secretary's office.

CHAP. DXVI.

An ACT supplemental to an act concerning the Town of Paris.

Approved February 7, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Paris shall be, and they are hereby authorised to open and extend the cross street next above and southward of Locust street, and which passes between Joseph Galloway's lot and the pond, until it strikes the Georgetown road, which road shall be changed into the direction and pass along said street when opened, whenever the proprietors of the property through which said street is proposed to be extended, shall consent thereto.

Trustees authorised to extend a street therein.

Sec. 2. That whenever the proprietors of the property through which said street is proposed to be extended, shall consent to the opening and extending the same to the Georgetown road, and the trustees shall accordingly open and extend the same, the trustees of said town, shall convey to the said proprietors in fee simple, in lieu thereof the ground over which Spence street now runs, and which may be closed whenever the street aforesaid shall be opened.

May extend it further by consent of the proprietors.

Sec. 3. That the trustees of said town shall be, and they [are] hereby empowered to open and extend any of the other cross streets of said town to the limits of the town, whenever the trustees may deem it expedient: *Provided,* That the con-

May extend any of the cross streets by consent of the proprietors

through whose sent of the proprietor or proprietors of the prop-
 erty, through which the said cross streets may
 extend, shall be first obtained.

CHAP. DXVII.

*An ACT to enlarge the powers of the Trustees of
 the town of Louisville.*

Approved, February 7, 1820.

May dig wells
 in the streets.
 How to be
 paid for.

Sec. 1. *Be it enacted by the General Assembly
 of the Commonwealth of Kentucky, That the*
 trustees of the town of Louisville, shall be, and
 they are hereby invested with full power and au-
 thority to dig, or cause to be dug in the streets of
 said town, at such points as they may think prop-
 er, as many public wells as they may deem ex-
 pedient for the public convenience ; and the ex-
 pence thereof shall be assessed and apportioned
 among the owners of lots in the squares adjacent
 or contiguous to each of said public wells, and
 to be collected and accounted for in the same
 manner as the taxes of said town are collected
 and accounted for.

Trustees may
 move against
 their collector.

Endorsement
 of the execu-
 tion.

Not have the
 right to reple-
 vy.

Sec. 2. Whenever the collector of the taxes of
 said town, shall fail or refuse to collect, account
 for and pay over to the trustees of said town, at
 the period fixed by the by-laws of said town, or
 the terms of his collection bond, it shall and may
 be lawful for said trustees, on motion to the cir-
 cuit court of Jefferson county, having given ten
 days' notice thereof, to obtain judgment against
 the said collector and his securities, for the a-
 mount of such taxes so in arrear and unaccount-
 ed for ; and on any and every execution to be
 issued in such case, the clerk of the court, before
 whom judgment shall have been obtained, shall
 endorse that "no security of any kind shall be
 received ;" and on such execution the sheriff
 shall proceed to sell the property seized, for the
 best price in cash which it will bring, without
 admitting the defendant or defendants to give
 a replevy, forthcoming bond, or any other bond.

CHAP. DXVIII.

An ACT for the divorce of Polly Lawless.

Approved February 7, 1820.

WHEREAS it is represented to this General Assembly, that about four or five years ago, a certain Mastin Lawless left and abandoned his wife, Polly Lawless, who has one or more small children in indigent circumstances; and that the said Mastin has not, during said period, made any provision for his family, but has been engaged in dissipation and idleness.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Polly Lawless be, and she is hereby divorced from her said husband, and restored to all the privileges and immunities of a *single solé*.

CHAP. DXIX.

An ACT for the benefit of certain Sheriffs.

Approved February 7, 1820.

WHEREAS it appears to the present General Assembly, that Uzal Condit, sheriff of Ohio county, for the year 1819, was charged with the tax on a billiard table, amounting to two hundred dollars; one tavern license of ten dollars; that said charges were improperly made against said sheriff; and that he has also been charged with a delinquent list sent by the auditor for the year 1817, amounting to the sum of five dollars, which delinquent list the sheriff has been unable to collect, and that the auditor has recovered judgment against the sheriff at the present term of the general court for the aforesaid sum, together with 18 per centum damages thereon.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor be, and he is hereby directed to enter a credit on said judgment of execution, for the aforesaid sum of two hundred and fifteen dollars, and the damages thereon, any law to the contrary notwithstanding.

Recital.

Auditor to give sheriff of Ohio credit.

Also sheriff of
Mercer delin-
quent list.

Sec. 2. The sheriff of Mercer county be, and he is hereby allowed the further time of twenty days, from and after the passage of this act, to return to the auditor's office, his list of delinquents for the year 1818; and it shall be the duty of the auditor to receive such list, and credit the amount thereof on any judgment or execution he may have obtained against said sheriff, together with the amount of damages on the amount of said list: *Provided*, such delinquent list shall be allowed and certified as by law required.

Sheriff Henderson allowed
further time to
return delin-
quent list of
1816.

Sec. 3. The late sheriff of Henderson county, Peter G. Reeves, be, and he is hereby allowed the further time of twenty days, from and after the passage of this act, to return his delinquent list for the year one thousand eight hundred and sixteen, as certified at the October county court for the year one thousand eight hundred and seventeen; and the auditor is hereby directed to issue his warrant on the treasurer for the amount thereof, who is hereby directed to pay the same.

Sheriff Hopkins county al-
lowed a delin-
quent list.

Sec. 4. The auditor be, and he is hereby directed to allow the sheriff of Hopkins' county the amount of his delinquent list, for the year one thousand eight hundred and eighteen as certified at the last December term of said county court, 1819; and in case the said sheriff shall have paid the full amount of the revenue for the year one thousand eight hundred and eighteen, the auditor is hereby directed to issue his warrant on the treasurer, who shall refund the same.

Sheriff Jessamine allowed
further time to
return a delin-
quent list.

Sec. 5. The sheriff of Jessamine county be, and he is hereby allowed the further time of twenty days, from and after the passage of this act, to return his delinquent list for the year one thousand eight hundred and eighteen, the same being properly certified by his county court; and it shall be the duty of the auditor to receive the same, and credit the same on any judgment or execution he may have obtained against such sheriff, together with the amount of damages on said list.

Sheriff Pendleton, same.

Sec. 6. The sheriff of Pendleton county be, and he is hereby allowed the further time of twenty days to return his delinquent list, for the year

one thousand eight hundred and seventeen, as certified by the county court of Pendleton; at their December term one thousand eight hundred and eighteen; and in case the said sheriff has paid the full amount of the revenue tax for said year, the auditor is hereby directed to issue his warrant upon the treasurer for the amount thereof, or allow the said sheriff a credit for the same upon any judgment or execution which may have since been obtained, or issued against said sheriff.

Sec. 7. The sheriff of Adair co, and he is hereby allowed until the first day of June next, to pay into the public treasury, the balance of the revenue collectable in the year 1819, upon his filing an affidavit in the auditor's office within twenty days from the passage of this act, sworn to by himself or one of his deputies, stating in said affidavit, that the amount of money paid into the public treasury in the year 1819, is the full amount of all the revenue collected in the aforesaid year prior to said payment, in which case the auditor of public accounts is hereby authorised and directed to suspend any further proceedings upon the judgment obtained against said sheriff, at the last term of the general court; and upon the said sheriff paying into the public treasury, the amount of said judgment, together with legal interest and cost thereon, by the aforesaid first day of June next, the damages thereon shall be, and the same are hereby released and remitted.

Sheriff Adair allowed further time to collect and pay revenue of 1819.

Auditor to suspend proceedings on the judgment against him.

Sec. 8. The auditor of public accounts be, and he is hereby authorised to issue his warrant on the treasurer for the sum of twenty dollars, in favour of John G. Chrisvill, it being the amount improperly paid into the treasury by him as deputy sheriff of Knox county.

A claim allowed sheriff of Knox.

CHAP. DXX.

An ACT to amend an act entitled "an act concerning Public Roads."

Approved February 7, 1820.

Preamble. WHEREAS there are doubts existing as to the proper exemption that surveyors of roads are entitled to, under the law now in force; and for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the surveyors of public roads shall be entitled to the exemption of one hand from working on public roads for their personal services, for the purpose of notifying the hands set apart to work on said road; and if the overseer has no hand of his own subject to work on said road, it shall be lawful for him to call on any hand in his precinct for the purpose of notifying the hands as aforesaid; which hand shall be exempt from working on said road one day for his services as aforesaid; and upon failing to work the balance of their hands, they shall be liable to pay the same fine which is now imposed by law on other delinquents for failing to work on roads, to be recovered in the same way, by the complaint of any person, to be applied as heretofore.

Sec. 2. *Be it further enacted,* That all white males over the age of sixteen years, shall be required by the surveyors to labor on the public roads; and the parents, guardians or masters of such of said persons as may be under twenty-one years old, shall be liable to the penalties and fines now incurred by law, by delinquents who are over the age of twenty-one years: *Provided,* that said parents, guardians or masters, shall be entitled to the same exemption from personal service, where they have two or more hands, as is now allowed to slave holders.

Sec. 3. *Be it further enacted,* That surveyors of public roads shall not have power to call out hands within their precincts on any day on which musters are held in the companies to which their hands belong, nor on the days appointed for battalion or regimental musters. Two days previ-

Surveyors of roads to be entitled to the exemption of one hand for their personal services for notifying hands, &c. May call on any hand in his precinct to give notice, who shall be exempt from working on roads one day for his services. Penalty for failing to work the balance of their hands and how to be recovered and applied. All white males over 16, required to work on roads. The parents, guardians and masters of minors to be liable for their fine. Proviso.

Surveyors not at liberty to call out hands on muster days

ous notice by surveyors of their intention to work on the public roads, shall in every instance be given. Notice to work on roads required.

Sec. 4. *Be it further enacted*, That it shall be the special duty of all the justices of the peace within their respective counties in this commonwealth, to attend their county courts in April ; but if no county court is held in any county in the month of April, then in the month of May, in each and every year hereafter ; for the special purpose of laying off their county roads into precincts, and to appoint a surveyor in each precinct, and to do all business relative to county roads under the existing laws of this commonwealth, under the penalty of five dollars each magistrate for his non-attendance, without good cause shewn, to be collected as fines against magistrates for their non-attendance at the court of claims : *Provided however*, that nothing in this act contained, shall be construed to prevent any county court from making any order or orders, relative to roads at any other term of their court. County courts to attend April or May courts for the purpose of attending to the subject of roads, to lay off precincts, appoint surveyors, &c.

Penalty on each justice for non-attendance.

Proviso.

Sec. 5. *Be it further enacted*, That the overseer of any road shall have the power to call out one or more hands at any time, to remove obstructions which may arise in his precinct between the regular times of working on the road ; and such hand shall be exempted from working as long as he shall have been employed in clearing out such obstruction. Surveyor may call out hands to remove obstructions at any time.

Which hands shall be exempt at regular calls, &c.

Sec. 6. It shall not be necessary for any surveyor of any road, to apply to a magistrate for a warrant to press waggons and teams where they can be procured without such warrant. Not necessary for a surveyor to apply to a justice for a warrant to press waggons and teams, where they can be otherwise obtained.

Sec. 7. Hereafter every county court, shall, when they lay off a road precinct, or appoint a surveyor to one already laid off, specially designate the same by proper bounds. All and every act or acts which come within the purview of this act, shall be, and the same are hereby repealed. County courts to designate road precincts specially. Repealing clause.

CHAP. DXXI.

An ACT authorising the Trustees of the Town of Harrodsburg to make sale of, or exchange a portion of the Streets in the west end of said Town.

Approved February, 7, 1820.

Preamble.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that a portion of the streets in the west end of the town of Harrodsburg, are rendered useless by their distance from the improved part of the said town, as well as the adjoining farms; and that they are, and have been inclosed for many years by individuals owning the adjoining lots: Therefore,

County court to sell part of streets in west end of town,

Or exchange.

Proviso.

Proviso.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees, or a majority of them, or their successors, be, and are hereby authorised and empowered to sell at public auction (having previously advertised the same at the door of the court-house for four weeks successively) on a reasonable credit, or to exchange for the privilege of opening new streets, such of the said streets in the west end of said town as are at present under enclosure; and the sale of which may be sanctioned by the individuals who are the owners of the property binding on the same: *Provided however*, that no sale or exchange shall be made under the provisions of this act, unless a majority of all the trustees of said town shall concur in ordering the same: *And provided also*, that the powers given said trustees under this act, shall be confined to that part of said town which lies west of the street passing the old public square on the east.

To make conveyance.

Sec. 2. *Be it further enacted*, That the trustees aforesaid, or a majority of them, are hereby authorised to convey to the respective purchasers according to the terms of sale, a good and sufficient title to such portion of said streets as may be sold by virtue of the authority conferred by this act.

Proceeds of sales, how applied.

Sec. 3. *Be it further enacted*, That the proceeds of the sale or sales which may be so made by said trustees in conformity to this act, shall be, and

the same are hereby appropriated to the use and benefit of said town of Harrodsburg.

CHAP. DXXII.

An ACT to erect election precincts in Barren and Bullitt Counties.

Approved February 7, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Barren county, lying east of a line beginning at the Dripping spring meeting-house, and running due north and south across the said county of Barren, shall be an election precinct; and the county court of Barren county, shall appoint judges and a clerk of the election to be held in said precinct, who shall be governed in all respects as the judges and clerks of other election precincts heretofore established in said county of Barren.

Precinct in
Barren county.

Sec. 2. *Be it further enacted,* That the election to be held in the precinct established in the foregoing section of this act, shall be held in the town of Edmonton, at the house of William Cooke, or at a house which may be provided by the citizens of said town for that purpose, on the public square in said town; and the sheriff or his deputy, who may attend the election in said precinct, shall meet at the court-house in Glasgow, on the Saturday after the commencement of the general election, for the purpose of comparing the polls, and making out a certificate for those elected, in the manner provided by law.

Elections—
where held, &
mode of con-
ducting, &c.

Sec. 3. *Be it further enacted,* That all the eastern end of Bullitt county contained in the following bounds, to wit: Beginning at the Jefferson county line near Thomas Heathman's mill on Cedar creek, to include the said Heathman's; running thence to John Trunnell's on the road leading from Mount Vernon to Shepherdsville; from thence to the mouth of Britton White's spring branch; from thence to Samuel Simmons; thence south twenty degrees east to

Precinct in
Bullitt county.

Boundaries thereof.

the Nelson county line ; thence with said line to the Shelby line ; thence with the Shelby line to the Jefferson county line ; and thence with said line and the Bullitt line to the beginning ; shall be an election precinct for Bullitt county ; and the qualified voters may at all elections meet at the house of Craven Payton in the town of Mount Vernon in said precinct, and give their votes ; and that nothing herein contained, shall prevent the qualified voters in said precinct from voting at the court-house.

Place of holding elections.

Judges & clerk to be appointed to conduct elections.

Sec. 4. *Be it further enacted*, That the county court of Bullitt, shall at the time of appointing judges and a clerk to conduct the election at the court-house, appoint a clerk and judges to conduct the election in the precinct ; and if the clerk or either of the judges shall fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

Sheriffs to meet and compare votes.

Sec. 5. *Be it further enacted*, That the sheriff of said county, shall by himself or deputy, attend the election in the precinct, and shall conduct the same according to law ; and shall on the Saturday succeeding the close of the election, meet at the court-house in said county, and compare the polls according to law.

CHAP. DXXIII.

An ACT for the benefit of the owners and occupiers of Salt Works.

Approved February 7, 1820.

Preamble.

WHEREAS it is of great importance to the good people of this commonwealth, that the owners and occupiers of salt works be enabled to manufacture salt with as much ease as possible : Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever the owners or occupiers of a salt lick, shall be desirous of conveying his or their wood to their furnace, and cannot do it conveniently, without passing over the lands of others, it shall be law-

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the owners or occupiers of a salt lick, shall be desirous of conveying his or their wood to their furnace, and cannot do it conveniently, without passing over the lands of others, it shall be law-

ful for such owner or occupier to apply to the court of the county in which his or their lick is situated ; and the said court shall appoint three or more fit persons, to be sworn before a justice of the peace to view the ground where the proposed road is to be conducted, and mark out the same by stakes or otherwise, and report to the next court for the county, the name or names of the owners of the land over which said road is proposed to be conducted. Their duty.

Sec. 2. Upon the return of said viewers, the court shall order summonses to be issued to the proprietors and tenants of the land where the proposed road is to be conducted, if they be found within the county, and if not, to their agent therein, if any they have, to shew cause why such owner or occupier should not have the liberty of making a road over their land in manner aforesaid. Upon the return of the summons, if any proprietor or tenant so desire, the said court shall order their clerk to issue a writ in the nature of a writ of *ad quod damnum*, to be directed to the sheriff, commanding him to summon and empanel twelve able and discreet housekeepers of the vicinage nowise related to either party, to meet at some certain place on the ground over which the proposed road is to be conducted, and on a certain day to be named by the court and inserted in said writ, of which, notice shall be given by the sheriff to the proprietors or tenants, or their agents, as before directed, if they were not present in the court at the time of the order being made ; and the said jurors shall be charged by said sheriff impartially and to the best of their skill and judgment, to view the lands over which the proposed road is to be conducted, and to say to what amount the damage will be of, to the respective owners and tenants severally, who desire such writ, taking into estimation the value of the land as well as other inconvenience he or they may sustain by said road passing over his or their land ; and if the said inquest cannot be completed in one day, the sheriff shall adjourn said jurors from day to day till the same be completed ; which inquest sealed by the said jurors, together Proprietors of the land over which the road goes to be summoned.

To issue writs of *ad quod damnum*.

Proceedings thereon.

with the writ, shall be returned to the court ; and the court shall thereupon enter up judgment against the person so applying, for the amount of damages so found, together with costs ; and when the person or persons so applying, shall pay the damages, or give bond with satisfactory security to the proprietors or tenants as aforesaid, the court shall make an order allowing him or them, (as the case may be) to make a road to convey his or their wood, to his or their furnace : *Provided nevertheless*, that nothing in this act shall authorise the making a road through any inclosure without the approbation of the owner of such property, nor through any peach or apple orchard.

Previous:

CHAP. DXXIV.

An ACT adding a part of the County of Bracken to the County of Harrison.

Approved February 9, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Bracken included in the following bounds, to wit : Beginning at the old Nicholas line on Main Licking opposite Marysville ; thence with said line up West creek two and a half miles ; thence to run a northern direction to strike Main Licking at Wiseman Hitche's ; thence up Main Licking to the beginning ; shall be, and the same is hereby added to, and shall be included in the county of Harrison.

Boundary of the part added.

Sec 2. *Be it further enacted*, That it shall be lawful for the sheriff of Bracken county to make distress for any taxes, levies or other public dues or officers' fees unpaid by the inhabitants within the aforesaid bounds at the time the change of jurisdiction into Harrison county shall take place ; and he shall be accountable in the like manner as if this act had not passed.

Sheriff to make collections.

Sec. 3. *Be it further enacted*, That the courts of Bracken county shall have jurisdiction in all actions and suits depending therein, at the time

Courts to retain jurisdiction.

the said change of jurisdiction shall take effect; and they shall try and determine the same, issue process and award execution thereon.

CHAP. DXXV.

An ACT to fix the Ratio and apportion the Representation among the several Counties in this State for the ensuing four years.

Approved February 9, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the ratio for the next four years shall be seven hundred and thirty-seven qualified voters for each representative; and the representation for that period shall be, and the same is hereby apportioned among the several counties throughout the state for the house of representatives in the following manner, to wit: Adair county shall be entitled to two representatives; Allen, one; Barren, two; Butler, one; Bath, one; Bracken, one; Bourbon, three; Boone, one; Bullitt, one; Breckinridge, one; Caldwell, one; Christian, two; Cumberland, two; Campbell, one; Clarke, two; Casey, one; Clay, one; Henderson, one; Hopkins, one; Hardin, two; Henry, two; Hart, one; Harrison, two; Knox and Harlan, one; Estill, one; Daviess, one; Fayette, three; Floyd, two; Franklin and Owen, two; Fleming, two; Greenup, one; Gallatin, one; Grayson, one; Green, two; Garrard, two; Jefferson, three; Jessamine, two; Lincoln, two; Lewis, one; Logan, two; Livingston, one; Muhlenburg, one; Mason, three; Montgomery, two; Mercer, three; Madison, three; Nelson, three; Nicholas, two; Ohio, one; Pulaski, one; Pendleton, one; Rockcastle and Whitley, one; Simpson, one; Scott, two; Shelby, three; Todd, one; Union, one; Wayne, one; Warren, two; Woodford, two; and Washington, three.

Ratio fixed.

Number of representatives to the several counties.

Sec. 2. *Be it further enacted*, That for the purpose of apportioning the representation in the senate, this state shall be, and the same is hereby

Muhlenburg &
Hopkins to the
7th.

Sec. 2. That hereafter the counties of Muhlenburg and Hopkins shall be, and they are hereby added to the seventh judicial district, and that the Judge of said circuit shall hereafter preside therein.

CHAP. DXXVII.

An ACT to repeal in part the law concerning Divorces.

Approved February 10, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the sixth section of an act approved January the 31, 1809, entitled "an act regulating divorces in this commonwealth," which prohibits the injured party again to contract matrimony within two years from the time of pronouncing such final decree, shall be, and the same is hereby repealed.

CHAP. DXXVIII.

An ACT for the benefit of the heirs of David Leitch, William Howard and Stevens T. Mason.

Approved February 10, 1820.

Recital.

WHEREAS it is represented to the present General Assembly, that David Leitch, William Howard and Stevens T. Mason, did on the 9th day of July 1784, enter fifteen thousand acres of land in the then county of Woodford, and caused the same to be surveyed on the 8th day of November 1792, a plat and certificate thereof having been returned to the office of the principal surveyor of said county, and the original which was delivered to the late Colonel Greenup having been lost by him, and the said Leitch, Howard and Mason having all departed this life many years since, the said Howard and Mason leaving infant heirs who have remained under disability by reason of infancy and coverture until this time, and the register of the land office not being au-

thorised to register a duplicate of said survey, so that a patent may issue thereon : For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land office be, and he is hereby directed to receive a duplicate of the plat and certificate of said survey, properly certified from the surveyor of Woodford county, and issue a grant thereon to the heirs and devisees of the said Leitch, Howard and Mason, to have effect according to their respective proportions as tenants in common : *Provided* the same shall not affect any prior claim or claims of any person or persons whatsoever.

Register to receive a duplicate of plat and certificate of survey, and issue grant.

Proviso.

CHAP. DXXIX.

An ACT to extend and alter the time of holding certain circuit courts in the fourth Judicial District.

Approved February 10, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Shelby circuit court shall commence on the second Monday in February, and on the third Mondays in June and September, and shall be holden eighteen juridical days each at the two first terms, and twelve juridical days at the latter term, if the business require it.

Shelby circuit.

Sec. 2. The Woodford circuit court shall commence on the first Mondays in March, June and September, and shall continue twelve juridical days at each term, if the business require it.

Woodford.

Sec. 3. The Franklin circuit court shall commence on the third Monday in March, second Monday in July, and the third Monday in October, and shall continue at the March term twelve juridical days; and at the July and October terms each, eighteen juridical days, if the business require it.

Franklin.

Sec. 4. The Henry circuit court shall commence on the first Monday in April, the second Monday in August, and the first Monday in October, and shall sit twelve juridical days each at

Henry.

the April and August terms, and six juridical days at the October term, if the business require it. . .

Gallatin.

Sec. 5. The circuit court of Gallatin shall commence on the third Monday in April, the fourth Monday in August, and the second Monday in October, and shall sit six juridical days each, if the business require it. . .

Process made returnable to the terms as altered.

Sec. 6. All process or recognizances returnable under existing laws to the next succeeding terms of the circuit courts, shall be returnable to the first terms of the courts respectively, as directed to be held by this act.

CHAP. DXXX.

An ACT to amend an act entitled "an act for the better regulation of the Town of Russellville."

Approved February 10, 1820.

Trustees how elected.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the free white male inhabitants in the town of Russellville above the age of twenty-one years, and all owners of lots in said town, shall meet at the court-house in said town on the first Monday in June annually, and elect five persons, being citizens, free holders and inhabitants thereof, as trustees for the town of Russellville.

Election to be advertised.

Sec. 2. The present board of trustees, shall cause the said election to be advertised at the court-house door, and inserted two weeks previous to the election in the newspaper printed in Russellville; and it shall be the duty of the board of trustees for the time being, to appoint one of their own body to conduct the election, and notify the five having the highest number of votes of their election, and make return to them at their first meeting; which return shall be recorded in a minute book to be kept by them, and all future elections shall be managed and governed in the same manner.

To settle accounts of their predecessors.

Sec. 3. The trustees so elected, shall annually at their first meeting, or so soon thereafter as is practicable, settle the accounts of the former

trustees, and receive all monies and accounts that may be in their hands, and return a copy of such settlement to the next county court for Logan county.

Sec. 4. If it should so happen that an election cannot, or should not be held on the first Monday in June in any year, the then acting trustees shall appoint a day for the election, and be governed in all respects as though the election had been held on the said first Monday in June.

If election is not had on the day appointed, then another day to be appointed.

Sec. 5. If any vacancies shall happen in said board of trustees, by death, resignation, removal, or refusal to serve, the remaining trustees shall immediately appoint a day to hold an election to fill such vacancy or vacancies, and shall advertise the same in manner before described, and be governed in all respects as heretofore named.

Vacancies how filled.

Sec. 6. Said trustees, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, faithfully to perform the duties enjoined on them by this act; which oath shall be certified by the justice, and recorded in a minute book to be kept by said trustees.

To take an oath.

Sec. 7. The trustees shall have power to appoint a clerk, whose duty it shall be to take care of all the papers and records of said trustees, and make correct entries of all orders, who shall give security for the faithful discharge of his duties; the said trustees shall appoint a treasurer annually of their own body, and shall take bond and security of him in such sum as they may think proper.

To appoint, a clerk and treasurer.

Sec. 8. The said trustees shall have power to levy annually, a tax on all lots and houses in said town, negroes, horses, retail stores, groceries, pleasure carriages and waggons, not exceeding ten cents on each hundred dollars of such valuation; and it shall be the duty of said trustees annually, in the month of March or April in each year, to appoint a fit person to assess the value of all the lots, houses, negroes, retail stores, groceries, horses, pleasure carriages and waggons, belonging to said town.

To lay a tax & appoint assessor.

Sec. 9. And it shall be the duty of the said commissioner or assessor, to return to said trustees.

Assessor's duty.

His oath.

Oath of persons.

To affix value.

Penalty for giving fraudulent list.

His pay.

Further duties

ters, a list of the names of all the white male inhabitants of said town, above the age of twenty-one years, with the amount of the valuation of their property annexed to each name, together with the names and amount of property held by persons not residing in said town. The said commissioner shall, before he proceeds to the duties of his office, take an oath that he will, to the best of his skill and ability, discharge the duties enjoined on him by this act, without partiality, favour or affection; and it shall be the duty of said commissioner to call on all the persons (if to be found) who own property in said town, and take a written list of all their property, subject to taxation by this act, which list being read over by the commissioner to the person giving the same, he or she shall make oath or affirmation, to be administered by the commissioner, that the said list contains a true account of all the property held by him or her, on the tenth day of March then next preceding, subject to taxation by this act; the said commissioner shall then value said property, and affix the valuation thereof in his book, and return the same to said trustees; and any person or persons being properly called on by said commissioner, and refusing or failing to give in a list of his or her property, or shall give a fraudulent list, shall forfeit and pay to said trustees for the use of the town, the sum of thirty dollars, which shall be collected in the same manner as the tax of said town is herein directed to be collected; and the said commissioner shall be paid for his services at the discretion of the said trustees, any sum not exceeding two dollars per day. And it shall be the duty of said commissioner, if he cannot see the owner of any property in said town, to make out a list of the same, with the owner's name, and fix the value thereof in the same manner as is before stated; and if there should be any property that he cannot find an owner for, he shall fix the value thereof and return the same to the trustees, and state that he does not know the owner of such property: *Provided*, that if any person shall think himself aggrieved by the valuation of said commissioner,

he, she or they may have a right to appeal to the said trustees at their next monthly meeting. Appeal allowed.

Sec. 10. It shall be the duty of the said trustees, so soon as the commissioner makes his return, to ascertain as near as may be the amount necessary to defray the expenses for the improvement of said town, and for the extinguishment of the debt now due by said trustees, which shall be levied agreeable to the valuation of the property held by each person subject to taxation. Trustees to lay tax.

Sec. 11. The trustees after levying the tax annually, shall appoint a collector and take bond and security of him, payable to themselves, in double the amount to be collected, and shall deliver him a list of all the property subject to taxation, with the value of each person's property and the tax assessed thereon; and it shall be the duty of the collector to collect and pay the amount so levied over to the treasurer of the board of trustees within three months from the time he receives such list, after deducting seven per cent. for collecting the same, and shall be allowed a credit for such as are insolvent or have no personal property from which he can make the amount of such tax; and if the said collector shall fail to pay over to the treasurer aforesaid the amount to be collected by him, it shall be lawful for the trustees to recover judgment against him and his securities for the amount he may so fail to pay as aforesaid, by giving ten days' notice before any circuit court in this commonwealth, and the clerk shall endorse on the execution that no security of any kind is to be taken. Collector and his duty.

Sec. 12. It shall be the duty of the collector, on receiving the list to advertise at two of the most public places in said town, that the town tax is due, and after thirty days from the date of such advertisement he may distrain for the tax on any personal estate owned by any persons listing property for taxation, and may sell the same, or so much thereof as will pay the tax then due, by advertising the same at least ten days; and the collector shall be allowed the same for keeping live stock so executed, as sheriffs are in similar cases. May be proceeded against

Collector to advertise,

Sec. 13. And when taxes are due on any lot or lots, the owner of which cannot be ascertained or found so that the tax may be collected, it shall be the duty of the treasurer, under an order of the board of trustees, to advertise such lot or lots, with the amount of tax due thereon, for two months successively in the newspaper published in Russellville, and if the tax and costs shall not be paid on or before the day named in such advertisement, it shall be the duty of the treasurer to sell at public sale so much of each lot or parcel of ground, as will be sufficient to pay the tax and costs due thereon, subject to be redeemed within two years from the time of such sale, by paying to the treasurer the amount of such tax and costs, together with twenty-five per centum per annum for the use of the purchaser.

Lots may be sold where owner is unknown.

May be redeemed.

Poll tax.

Sec. 14. And said trustees may levy any sum not exceeding one dollar annually, in addition to the tax herein stated, on each and every person entitled to vote for trustees.

By-laws.

Sec. 15. The said trustees shall have power to enact or ordain such by-laws for the regulation and government of said town as they may deem necessary, not inconsistent with the constitution and laws of this commonwealth; but no by-law shall take effect until it shall have been advertised at least two weeks in the newspaper printed in Russellville.

Penalties for breach of, how recoverable.

Sec. 16. The said trustees are hereby authorized to levy such fine, not exceeding thirty dollars, as they may think proper for a breach of any one of the by-laws so enacted by them, which may be sued for in the name of said trustees, before any Justice of the Peace, which shall be applied to the use of said town.

What may constitute a board.

Sec. 17. A majority of the trustees shall be sufficient to meet and do business, but three must always concur to pass any ordinance or make any new regulations.

Remove obstructions.

Sec. 18. The said trustees shall have power to cause to be removed all obstructions and nuisances which may at any time exist in the streets and lots, or from the public square of said town.

Sec. 19. The trustees aforesaid shall have power to call out the citizens of said town, between the ages of sixteen and forty-five years, in regular rotation, as a patrol or watch for said town, and lay the same off into companies for that purpose, and may compel the services of each person under such fine as shall not be oppressive: *Provided however*, that if a majority of all the persons voting for trustees shall, at any of their annual elections for trustees think it advisable to hire a patrol or watch, then it shall be the duty of the trustees to hire such patrol or watch, and pay the same out of the treasury. May call out patrols.

Sec. 20. The trustees shall have power to appoint an overseer or overseers of the different streets of said town, for the purpose of keeping the same in repair, and call out to work on said streets all the free, white, male inhabitants above the age of eighteen years, and male slaves above the age of sixteen years: *Provided, however*, that if any person shall send two hands he shall be exempt from working himself. May appoint overseers of streets.

Sec. 21. The said trustees shall have the power to levy a tax on each and every billiard table in said town, not exceeding one hundred dollars, under such rules and regulations as they may adopt. Tax billiard tables.

Sec. 22. Said trustees shall cause each and every house keeper in said town, to procure and keep in their houses, any number of fire-buckets they may think proper, not exceeding four in any one family. Fire-buckets

CHAP. DXXXI.

An ACT for the Divorce of John Ritchie.

Approved February 10, 1820.

WHEREAS it is represented to the present general assembly, that Tabitha Ritchie, now residing in Barren county, hath separated herself from her husband, John Ritchie of Allen county, and is now cohabiting with another man, and hath been so cohabiting with him for several years: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of John Ritchie with Tabitha Spencer, now Tabitha Ritchie, be, and the same is hereby dissolved.

CHAP. DXXXII.

An ACT concerning Chapline's Fork of Salt River.

Approved February 10, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Chapline's fork of Salt river, shall be, and the same is hereby declared navigable as high up as Kinsey's mill in Washington county ; and it shall be the duty of the county court of Washington, to appoint two or more overseers to said river, and allot to them a sufficient number of hands living within one mile on each side of said river, whose duty it shall be to remove all obstructions out of said stream.*

Declared navigable to Kinsey's mill.

County court to appoint overseers.

Ray's and Beauchamp's mill dams declared lawful.

Proviso.

Sec. 2. *Be it further enacted, That Joseph Ray's and — Beauchamp's mill dams, shall not be considered as unlawful obstructions ; but that said Ray and Beauchamp, shall erect a slope to each of their dams, to extend down the stream fifteen feet for every foot perpendicular height of their slopes.*

Slopes to be made, & how.

Sec. 3. *Be it further enacted, That the apron or slant of the slope shall be made of strong timbers, well lined with plank, laid by a straight line from the upper to the lower end, closely and compactly, so as to confine the water therein ; and to confine the water on the slope, there shall be a good and sufficient wall of stone or timber on each side, so high as will answer that purpose, and extend down the slope one third of the length.*

Water to be confined to slopes by walls

Sec. 4. *Be it further enacted, That the slope shall be erected in the main channel of the stream, and about the middle thereof ; and the dam on each side of the space from which the slope shall descend, shall be erected so high as will confine the water to pass through the space, at least fifty*

feet wide when the river is of a common navigable height.

Sec. 5. *Be it further enacted*, That the said Joseph Ray and — Beauchamp, shall have until the first day of December in the year one thousand eight hundred and twenty-one, to comply with the requisitions of this act ; by which time, if their slopes are not completed, they shall be liable to the owner or owners of all or any water craft or crafts, for any damage they may sustain in descending said river in consequence of their dams.

Time given
Ray and Beau-
champ to build
slopes.

Sec. 6. *Be it further enacted*, That each or either of them for failing to comply with the requisitions of this act, shall forfeit the sum of five dollars for every twenty-four hours they or either of them, shall continue their dams in said stream after the said first day of December in the year one thousand eight hundred and twenty-one, to be recovered by an action of debt in any court of record in this commonwealth, having jurisdiction of like sums, by any person who may choose to sue for the same.

Penalty for
failure to build
slopes.

How recover-
ed, &c.

CHAP. DXXXIII.

An ACT to amend the Law concerning the Turnpike and Wilderness Road.

Approved February 10, 1820.

WHEREAS it is represented to the present general assembly, that it would be of great public utility to change the turnpike and wilderness road so as to run with the Barbourville road ; which leaves the turnpike road, at or near Col. Thomas Arthur's, and intersects the same at the Laurel Bridge : Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Kerley, of the county of Madison ; William Smith, of the county of Rockcastle ; John Yantis, of the county of Garrard ; Abner Baker, of the county of Clay ; Benjamin Duncan of the

Comm'rs. ap-
pointed to
view said road
by Barbour-
ville.

And report to
superintend-
ant of turnpike
—and his duty
thereon.

Compensation
to comm'rs.

county of Lincoln; and Asa K. Lewis, of the county of Clarke; be, and they are hereby appointed commissioners to survey and examine the said Barbourville road, as well as the present turnpike road, from Col. Arthur's to the Laurel Bridge; and if the said commissioners, or a majority of them, after taking into consideration the advantages and disadvantages attending the proposed change, should be of opinion that the said change would be beneficial to the traveller, as well as promote the public good, they shall report to the commissioner who superintends the turnpike road from Cumberland Gap to the forks of said road, whose duty it shall be to act in conformity to said report.

Sec. 2. *Be it further enacted*, That said commissioners shall receive for their services, two dollars each, for every day they may be necessarily employed in performing the duties imposed upon them by this act, to be paid them by the keeper of the turnpike gate, out of that part of the money now directed by law to be appropriated in keeping said road in repair from Cumberland Gap to the forks of said road; the time thus employed, to be made out and certified by their oath.

CHAP. DXXXIV.

An ACT for the benefit of Joseph Blackwood.

Approved February 10, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That forty dollars be allowed to Joseph Blackwood for services rendered as an express to convey orders to a part of the detachment of troops ordered to New-Orleans in the fall one thousand eight hundred and fourteen; and the auditor is hereby directed to issue a warrant on the treasurer for the same.

CHAP. DXXXV.

An ACT authorising James and Enoch Butler to build a Mill Dam across Nolin River.

Approved February 10, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That James and Enoch Butler, shall be, and they are hereby authorised and permitted to build across Nolin river, where said river passes through the counties of Hart and Grayson, a mill dam on their own lands on said river, so that the said dam shall not exceed five feet in height.

Butlers to build a dam.

Sec. 2. *Be it further enacted*, That should said Butlers build or erect said dam under the provisions of this act, that they shall whenever required by the county courts of Hardin, Hart or Grayson counties, build the proper and lawful slope, in six months after being notified as aforesaid; but should said Butlers fail or refuse to build said slope as heretofore required, they shall be liable to pay to the commonwealth the sum of forty dollars for every six months they may have failed to build said slope, recoverable before any justice of the peace for either of the aforesaid counties; which sum, when so recovered, shall be applied to the lessening the county levy in the county where the same may be recovered.

To fix a slope when required by county court.

Penalty for failure.

CHAP. DXXXVI.

An ACT for the benefit of Peter Catron, Martin Beaty and others.

Approved February 10, 1820.

WHEREAS it is represented to the present general assembly, that Peter Catron, Martin Beaty, Jerry T. Evans, Felix Hanek and Henry Garner, have expended much labor and large sums of money in boring and blowing for salt water in Wayne county on Beaver creek about two miles from Monticello, and it is deemed proper to encourage such laudable undertakings: Therefore,

Preamble.

Authorized to
locate vacant
land for salt
works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Peter Catron, Martin Beaty, Jerry T. Evans, Felix Hanek and Henry Garner, be, and they are hereby permitted to enter three thousand acres of vacant and unappropriated lands of this commonwealth, lying within six miles of their salt well, with the surveyor of Wayne county, who is hereby authorised to survey the same in one or more surveys as in other cases; and the register of the land office is hereby authorised to issue to the said Peter Catron, Martin Beaty, Jerry T. Evans, Felix Hanek and Henry Garner, a patent for the same: *Provided,* they shall within four years from the passage of this act, produce to him the treasurer's receipt for the payment of ten dollars for each hundred acres.

Price to be
paid for said
land.

CHAP. DXXXVII.

An ACT for the Divorce of Moses Hays.

Approved February 10, 1820.

WHEREAS it is represented to this general assembly, that Candis Hays, the wife of Moses Hays of Warren county, hath been guilty of base and unchaste conduct: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between the said parties, be, and the same is hereby totally dissolved and set aside.

CHAP. DXXXVIII.

An ACT to repeal the act entitled "an act establishing Independent Banks in this Commonwealth, and an act supplemental thereto."

Approved February 10, 1820.

Preamble.

WHEREAS in the tenth article of the constitution of Kentucky, it is declared: First—that all freemen, when they form a social compact, are equal; and that no man or set of men are

entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services : And secondly—that all power is inherent in the people ; and all free governments are founded on their authority, and instituted for their peace, safety and happiness. And whereas, it is self-evident, according to those fundamental principles of government, that all laws which grant to a few, the power to oppress the many, are tyrannical in their nature, and adverse to the primitive rights of the people ; and therefore, repealable by the supreme authority. To say that a sale of primitive rights of the people, by the legislature, is to be perpetual and unalterable, because there is a contract in the case, is to declare that error and abuse of power may consecrate themselves. Fraud vitiates all contracts. To effect the intention of the parties, is the object of all laws regarding contracts. That a privilege granted, shall be used for the destruction, or even to the disadvantage of those who granted, never could be the intention of the parties. All legislative power is derivative, proceeds from the people, and is to be used for their prosperity and happiness only. Consequently, all laws of a contrary tendency, violate the intention of the social compact, and are subject upon first principles to the condition of being repealed, whether the evil springs from the nature of the privilege granted or contract entered into, or from the abuse of either. A bank charter, from its nature, extends and necessarily confines the powers and privileges granted, to a few, to the exclusion of the many. It, therefore, follows as an unavoidable conclusion, that if the powers and privileges granted in a bank charter operate against the public good, the people, by their legislature, have the primitive right to revoke such charter. To the end, therefore, that the good people of this state be delivered in future from the baneful effects of the power and privileges granted by the law establishing independent banks in this commonwealth, which have been exercised in many instances, in the plentitude of tyranny,

oppression and abuse, to the great injury of the good people of this state.

Independent bank charters repealed after 1st May. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all power, right or privilege, granted to the corporations established by an act entitled "an act establishing independent banks in this commonwealth," approved January the twenty-sixth, one thousand eight hundred and eighteen, and an act entitled "an act supplemental to the act establishing independent banks in this commonwealth," approved February third, one thousand eight hundred and eighteen, to deal and trade in discounts, bills of exchange or current money, or to issue notes or bills of credit, payable to bearer or otherwise, shall be, and the same are hereby repealed and revoked, from and after the first day of May next; and all other power, rights and privileges granted to said corporations in said recited acts, are hereby repealed and revoked, from and after the first day of January one thousand eight hundred and twenty-three.

Penalty on persons acting as officers of an independent bank.

Sec. 2. *Be it further enacted,* That any person or persons, who may act as president, director or other officer, of any independent bank in this state contrary to the provisions of this act, shall be subject to all the penalties, fines and forfeitures, imposed by an act entitled "an act to suppress private associations for the purpose of banking," approved February eighth, one thousand eight hundred and twelve; which penalties, fines and forfeitures, may, and shall be imposed, recovered, collected and distributed, according to the provisions of the said last recited act.

Bonus or tax on the independent banks for 1820, remitted.

Sec. 3. *Be it further enacted,* That the bonus required from the independent banks for the privilege of banking for the year one thousand eight hundred and twenty, shall be, and the same is hereby remitted.

So much of the charter of Sanders' manufacturing company as gives the privilege

Sec. 4. *Be it further enacted,* That so much of the act to incorporate Sanders' Manufacturing company, which passed the thirty-first of January, one thousand eight hundred and eighteen, and the supplemental act thereto, approved February the third, one thousand eight hundred and eigh-

teen, which gives the said company banking privileges, shall be, and the same is hereby repealed; and the second section of this act is hereby made applicable to the persons who may have the management of the said manufacturing institution.

of banking, repealed and revoked.

CHAP. DXXXIX.

An ACT to amend "an act to incorporate the Kentucky Ohio Canal Company, Approved January 30, 1818.

Approved February 10, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when it shall appear by the returns made to the commissioners, or to a majority of them appointed by the act aforesaid, that one hundred thousand dollars of the stock to be subscribed, by individuals, bodies, corporate, or politic, have been taken, said commissioners, or a majority of them, shall immediately adopt the necessary measures to have a general meeting of the stockholders called at such time and place as they may think proper, giving not less than thirty days' notice in the public papers printed in Louisville and Frankfort, of the time and place of meeting for the purpose of choosing a President and twelve Directors of the *Kentucky Ohio Canal Company*; and the President and Directors so chosen, shall continue in office until the first Monday in July then next ensuing, and until others shall be elected as aforesaid, in their stead. And the said stockholders shall meet on the first Monday in July in every year thereafter, for the purpose of choosing a President and twelve Directors to manage the concerns of said company, to continue in office for one year, and until their successor shall have been appointed; the President and Directors so elected, or a majority of them, shall have power to fill all vacancies which may happen in their body, by death, resignation or otherwise.

Commr's. to call a general meeting so soon as \$100,000 are subscribed.

Notice to be given.

To elect a President and Directors.

Annual meeting of stockholders.

President and Directors to fill vacancies.

Sec. 2. The eleventh section of the act aforesaid, shall be, and the same is hereby repealed,

Sec. 11 of former act repealed.

and the said act shall be considered and construed in all respects except as the same is herein amended, in the same manner as if the the said section had not been inserted therein.

Treasurer to be appointed. Sec. 3. Immediately after every election of President and Directors of said company, they, or a majority of them, shall appoint a treasurer for said company, who shall hold his office until the next election of President and Directors, and until his successor shall have been duly appointed and qualified; and such person so appointed shall, before he enters upon the duties of his office, execute bond in a sufficient penalty and with sufficient security, payable to the President and Directors and their successors, conditioned faithfully to discharge all the duties of said office; and shall also take an oath before some justice of the peace of this commonwealth, to perform with fidelity the duties of treasurer to said company.

To give bond.

To take oath.

Company incorporated. Sec. 4. The said Kentucky Ohio Canal Company, shall be, and they are hereby made able and capable in law, to hold in fee simple to them and their successors, all lands and tenements which way be to them conveyed by virtue of any contract made therefor by the President and Directors of said company, under the twelfth section of the act aforesaid, and for the uses and purposes therein mentioned.

Subscriptions under the other charter declared valid. Sec. 5. Those persons who have already subscribed shares of the capital stock of the said company, shall be entitled to the benefit and advantage thereof, upon complying with the provisions of the before recited act, in the manner required of other individuals who shall subscribe shares of said stock after the passage of this act.

Shares to be sold if not paid for. Sec. 6. That if any stockholder or stockholders, shall fail or refuse for the space of thirty days, to pay the sum or sums required to be paid on his, her or their stock, according to the before recited act, or the order of the board of directors, being notified thereof, the President and Directors of said company, or a majority of them, may sell at auction; and transfer to the purchaser, the

share or shares of such stockholder or stockholders so refusing or neglecting payment, giving at least one month's notice of sale in one or more newspapers printed at Louisville or Frankfort, and after retaining the sum due, with charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner ; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with incidental charges, the said President and Directors, or a majority of them, may, in the name of the company, sue for and recover the remainder by action of debt or on the case, and the said purchaser or purchasers shall be subject to the same rules and regulations as if the said sale and transfer had been made by the original proprietor.

Notice to be given.

P. & D. may sue.

Purchaser subject to same rules as the subscriber.

Sec. 7. That there shall be reserved for subscription of the capital stock of said company, one thousand shares for the general government, five hundred shares for the state of Virginia, five hundred shares for the state of Pennsylvania, five hundred shares for the state of Ohio, and one thousand shares for the state of Kentucky, and the remaining two thousand five hundred shares shall be subject to subscription by private individuals.

1000 shares reserved for general government, 500 for Virginia, 500 for Pennsylvania, 500 for Ohio, 1000 for Kentucky, and 2500 for subscriptions.

Sec. 8. That the one thousand shares aforesaid reserved for the state of Kentucky, in the company aforesaid, which said one thousand shares are to be subscribed for by the acting governor of this commonwealth for her use and benefit, shall be paid for out of the future dividends of the capital stock of said state in the bank of Kentucky, which said dividends, not exceeding two thirds thereof, as far as they shall be necessary, are hereby set apart and pledged as a fund for that purpose ; the payment to be made by the treasurer of this commonwealth to the President and Directors of the said Kentucky Ohio Canal Company by instalments in the same proportions which shall be required of individuals subscribing for stock in the said company ; and in the event of the said dividends failing at any time to meet the payment for the said stock demanded in

Governor to subscribe shares of Kentucky.

How to be paid for.

And by instalments.

the ratio aforesaid, then and in that case the deficiency shall be supplied and paid to the President and Directors as aforesaid, on a warrant from the auditor on the treasurer, out of any money in the treasury not otherwise appropriated by law.

If those governments fail to subscribe, the stock reserved, is to be sold.

Sec. 9. That if the general government, the states of Virginia, Pennsylvania and Ohio, or any of them, shall fail or refuse to subscribe for the stock reserved for them respectively as aforesaid, then as far as such failure or refusal extends, the stock so reserved shall be sold and disposed of in such manner as the legislature of Kentucky may direct.

Sec. 5 of former act repealed.

Sec. 10. The fifth section of the before recited act shall be, and the same is hereby repealed.

Governments may vote in elections.

Sec. 11. The general government and each and every of the aforesaid states, which shall subscribe for the stock aforesaid, shall be entitled to vote for President and Directors of said Kentucky Ohio Canal Company, in such mode as they may respectively prescribe according to the scale contained in the tenth section of the before recited act.

P. & D. may reduce the rate of tolls.

Sec. 12. The President and Directors of said company, or a majority of them, shall have the power to reduce the rate of tolls, so that the interest or dividends on stock shall not be under twelve and an half per centum per annum.

CHAP. DXL.

An ACT for the divorce of Elizabeth Prewitt.

Approved February 10, 1820.

WHEREAS it is represented to the present General Assembly, that on or about the twenty-ninth day of April one thousand eight hundred and eighteen, John Prewitt abandoned his wife Elizabeth Prewitt without provocation, and with a determination not to return: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between the said parties be, and the same is hereby dissolved and held for naught.

CHAP. DXLI.

An ACT for the divorce of Jacob Hendricks, Catharine Coyle and Catharine Clarke.

Approved February 10, 1820.

WHEREAS it is represented to the present General Assembly, that in the year one thousand eight hundred and six, Jacob Hendricks inter-married with Ruth Wilson, and that they lived together for thirteen years, but not without frequent cause of complaint of her unchastity and conjugal infidelity; and that some time in the month of November last past, Ruth Wilson, without any just cause, left her husband and went off with another man: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage between the said parties be, and the same is hereby dissolved.

J. Hendricks.

Sec. 2. The marriage between David Coyle and Catharine Coyle, late Catharine Stagg, and between William Clarke and Catharine Clarke, be, and the same are hereby annulled and dissolved, and that the said Catharine Coyle and Catharine Clarke, from and after the passage of this act, shall be restored to all the privileges of *femes sole*.

C. Coyle.

C. Clarke.

CHAP. DXLII.

An ACT for the benefit of John and Joseph Coombs.

Approved February 11, 1820.

WHEREAS it is represented to the present general assembly that on the twelfth day of November in the year one thousand seven hundred and eighty-four, John Coombs made an entry for two hundred acres of land on Rough creek in Nelson county, and that afterwards, on the twenty second day of March in the year one thousand seven hundred and eighty-six, he caused the same to be surveyed, and by some means the original plat and certificate of survey has been lost, and

Preamble.

that the said John Coombs departed this life in the year one thousand eight hundred and one, having first made and published his last will and testament, and among other things devised said two hundred acres of land to his two sons, John Coombs and Joseph Coombs; and in consequence of the loss of said plat and certificate of survey, the said John and Joseph Coombs, the devisees of said decedant, cannot obtain a grant from the commonwealth for said two hundred acres of land: And for remedy whereof,

Register to receive a copy of plat and certificate and issue grant.

Proviso.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said John and Joseph Coombs producing to the register a certified copy of the plat and certificate of survey for said two hundred acres of land, he is hereby required to receive and register the same, and issue a grant thereon to the said John and Joseph Coombs, devisees of John Coombs, deceased: *Provided,* that nothing in this act shall be so construed as to affect the right or title of any other person having or holding claim to said land, by virtue of any entry, survey or patent.

CHAP. DXLIII.

An ACT for the relief of David Harris.

Approved February 11, 1820.

David Harris authorised to list certain land for taxation with any com'r for Allen county.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful for David Harris of Allen county, to list with any commissioner of said county for taxation, a tract of land, containing by the grant from the commonwealth, four hundred and fifty acres, lying on Trammel's fork of Drake's creek in said county, and granted by the commonwealth to David Bradford, by letters patent, bearing date the twenty-sixth day of February, in the year one thousand seven hundred and eighty-nine.

Com'rs. duty in relation thereto.

Sec. 2. *Be it further enacted,* That the commissioner of said county with whom said tract of land shall be listed as aforesaid, shall value

the same and make a note in the margin of the commissioners' book opposite said tract, stating that said tract of land had not been previously listed for taxation, and that taxes are due thereon from the first day of June seventeen hundred and ninety-two.

Sec. 3. *Be it further enacted*, That the sheriff or collector of the revenue for the said county of Allen, shall collect from the said Harris, as tax on the said land, six and one fourth cents upon each hundred dollars of the value thereof, and at the same rate for a greater or less sum, for each year from the said first day of June one thousand seven hundred and ninety-two, up to the tenth of March of that year in which said land is listed for taxation as aforesaid, and at the same rate for a longer or shorter period than one year, together with ten per centum per annum interest thereon ; which tax, so collected, the sheriff or collector, shall account for as other revenue ; and for a failure so to do, shall be subject to the same remedy now provided by law for failing to collect and pay into the treasury the taxes due the commonwealth.

Duty of the sheriff of Allen in relation thereto.

Sec. 4. *Be it further enacted*, That the said tract of land shall be released from all claim on the part of this commonwealth to the same, on account of the forfeiture incurred by the failure to list the same for taxation, upon said Harris complying with the foregoing sections of this act, and thereafter listing and paying taxes on said tract of land annually.

Commonwealth's claim to said land released upon paying the tax, &c.

CHAP. DXLIV.

An ACT to regulate the sales of Property under Execution.

Approved February 11, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any execution may have issued, or shall hereafter issue, on any bond having the force of a judgment, or on any judgment or decree, either from

Plaintiff in executions may endorse that notes on the B. of Kentucky or

Its branches
will be rec'd
in payment.

the office of a court or a justice of the peace, it shall be lawful for the plaintiff, his agent or attorney, or for the clerk or justice of the peace, in pursuance of any order or memorandum to that effect, to endorse on such execution or any order of sale, in substance, that "notes on the Bank of Kentucky or its branches, will be accepted in discharge of this execution;" and when such endorsement shall be made, it shall be the duty of the clerk or justice of the peace, to certify the same on each and every execution that may thereafter issue on said judgment, decree, or bond having the force and effect of a judgment.

And endorse-
ment to be
made on subse-
quent execu-
tions.

On an execu-
tion thus endor-
sed, the def't.
may replevy 1
year.

Sec. 2. When an execution is endorsed as aforesaid, and an officer shall have levied the same on the body or the estate of the defendant, it shall be lawful for the defendant to replevy the same for one year; but if the defendant do not replevy the same, the estate, so taken in execution, shall be sold on a credit of one year for what the same will bring, the purchaser giving bond with approved security to the plaintiff in the execution, for the payment of the purchase money, with interest thereon, at the end of one year from the date of the sale.

Or the property
levied on to
be sold at one
year's credit,
the purchaser
giving bond &
security.

Force and ef-
fect of such
bonds.

Sec. 3. All replevy bonds and bonds taken for the purchase of estate under the provisions of this act, shall have the same force and effect as replevy bonds and bonds taken for the sale of estate under existing laws.

Executions on
such bonds &
recognizances
to be endorsed
Sec.

Sec. 4. On all executions which may issue in virtue of any recognizance, replevy bond, or bond given for the purchase of any estate, when such recognizance or bonds are taken under the provisions of this act, the clerk or justice of the peace, shall endorse "no security of any kind is to be taken."

Same proceed-
ings to be had
in cases of pro-
perty taken on
attachments or
warrants of dis-
tress for rent.

Sec. 5. All estate taken or held under any execution, or warrant to distrain for rent, or estate taken under any attachment and ordered to be sold, shall be sold or replevied in the same manner as estate taken under writs of *fiery facias*, according to the provisions of this act.

Sec. 6. If the plaintiff in any execution, order of sale, distress warrant or other process, shall

fail or refuse to make the endorsement thereon as authorised in the first section of this act, the defendant may replevy the debt for two years, upon his giving bond and approved security ; otherwise the estate so taken, shall be sold on a credit of two years, and the purchaser shall execute bond with approved security to the plaintiff, for the payment of the purchase money, with interest thereon from the date.

Def't. may replevy 2 years where the endorsement is not made that bank notes will be taken. Or the property levied on may be sold on a credit of two years.

Sec. 7. On judgments or decrees heretofore rendered, or hereafter to be rendered, it shall be lawful for the defendant, at the time at which judgment may be entered, or any subsequent time, if an execution be not then in the hands of the sheriff or other officer, against him, to appear before the court or justice of the peace who rendered the judgment, with one or more good securities, to be approved by the court or justice, as the case may be, and then and there enter into a recognizance in substance as follows : " This day the defendant, A. B. together with C. D. his security, came into court (or before me J. P. if before a justice of the peace) and undertook that they would pay and satisfy E. F. the full amount of his judgment and costs, amounting to \$——— rendered in his favor against the said A. B. by this court, (or by me, if before a justice of the peace) within one year, with legal interest on the whole amount thereof from this date ;" which recognizance shall be signed by the parties, if taken before a justice of the peace ; and on entering into such recognizance, all further proceedings shall be stayed until the expiration of the time of payment therein mentioned ; and after the expiration of such time, execution may issue on said recognizance in the like manner, and with the like force and effect as on a replevin bond : *Provided however*, that if the plaintiff shall not have made, or caused to be made, a memorandum to receive " notes on the Bank of Kentucky or its branches," in discharge of his judgment or decree, such recognizance shall be taken payable at the end of two years instead of one year. The clerk or justice of the peace shall have the same fee for taking the recognizance, as

The def't. may replevy before the court or justice of the peace rendering the judgment.

Form of the recognizance.

Proceedings thereon.

Proviso.

Clerks' & justices' fees for taking recognizance.

they would have been entitled to for issuing an execution.

Proviso.

Sec. 8. *Provided always*, That nothing in this act contained, shall be construed to extend to any execution, or any judgment recovered against the sergeant of the court of appeals, any sheriff, coroner, constable, or any collector of revenue, county levy, town tax or officers' fees, for any money collected, or which ought to have been collected by him or them; nor to any execution on a judgment recovered against an attorney at law for money received by him for his client, or recovered against a principal by his security, or by the principal sheriff against his deputy, or recovered against any public debtor: *And provided also*, that where any execution issued on a replevin or forthcoming bond, or bond given for the sale of property, shall be replevied, the sheriff or other officer, shall charge no commission on replevying such execution, but shall be entitled to his fee for taking the replevy bond only.

Proviso.

No execution to issue on a judgment of a court or justice of the peace within ten days after the rising of the court or judgment of a justice, but for good cause.

Sec. 9. Where such recognizance shall not have been entered into before the court where any judgment or decree is rendered, during the term at which the same was rendered, no execution shall issue until ten days after the rising of the same, unless for good cause shewn, it shall be otherwise ordered by such court. And no execution shall be issued by any justice of the peace, until after ten days from the day of rendering such judgment, unless for like cause shewn to such justice, which he shall note on the minute of such judgment, he shall order that such execution may issue sooner, to the end, that any defendant or defendants may enter into such recognizance with security; and the clerk of any court wherein any judgment or decree shall be rendered, shall have full power and authority, and it shall be his duty to take such recognizance with security, to be approved by him, changing the form thereof, so as to shew that the same was entered into before him; which recognizances, so taken, shall have the same force and effect, and may be proceeded on in the same manner as if

[Clerks of courts may take recognizances.

taken in court ; and such clerk shall be entitled to the same fee for taking the same.

Sec. 10. This act shall commence and be in force, from and after the 16th day of February, 1820 ; and shall remain in force until the first day of March, 1821, and no longer : *Provided*, however, that all rights accruing under this act, prior to the said first of March, 1821, shall remain valid, and may be enforced at any time after said day, in the same manner as if this act remained in force.

Commence-
ment and ex-
piration of this
act.
Proviso.

CHAP. DXLV.

An ACT granting lands to John Hutchins for the benefit of Salt Works.

Approved February 11, 1820.

WHEREAS it is represented to the present general assembly, by the petition of John Hutchins, sen. that he has discovered salt water on the tract of land which he has appropriated and settled on, in Cumberland county, and from the experiment which he has made in digging and boring for the same, that the prospect is sufficiently encouraging, which if carried into complete operation, would be of great public utility : Wherefore,

Recital.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said John Hutchins to locate and enter one thousand acres of vacant and unappropriated land, with the surveyor of Cumberland county, immediately adjoining his tract, where said salt water is found, upon the waters of Mud camp, a branch of Cumberland river ; subject however, to the conditions and restrictions hereinafter provided.

1000 acres au-
thorised to be
appropriated
adjacent to his
salt works.

Sec 2. *Be it further enacted*, That in case the full quantity of one thousand acres cannot be had in a survey immediately adjoining his tract as aforesaid, it shall be lawful for the said John Hutchins, to enter and survey the balance out of vacant and unappropriated lands lying nearest thereto ; which survey or surveys so to be enter-

May be survey-
ed in one or
more surveys.

How to be executed & when to be returned to register's office.

No grant to issue until 500 bushels of salt are manufactured at his salt works.

Price of land per 100 acres.

Proviso.

ed and made, shall not in length exceed their breadth, more than one half, which shall be returned to the register's office as in other cases.

Sec. 3. *Be it further enacted*, That no grant shall be issued by the register of the land office, for the said John Hutchins, his heirs or assigns, until he shall prove to the county or circuit court of Cumberland, that he has manufactured five hundred bushels of salt, at the place where he has now made the experiment.

Sec. 4. *Be it further enacted*, That on a certificate being produced to the register, as provided in the third section of this act, within the term of four years, together with the auditor's quietus for the treasurer's receipt for ten dollars per hundred acres therefor, the register shall issue a grant therefor, as in other cases: *Provided however*, that in the entry of said land, the said John Hutchins shall not be at liberty to interfere with any actual settlement with two hundred acres around the same; nor shall the said John Hutchins, his heirs or assigns, at any time within the period aforesaid, transfer any right, title or claim to the aforesaid land, which they may have derived under the provisions of this act, under a forfeiture of all right, title and claim to the aforesaid land, and the same shall revert in the commonwealth.

CHAP. DXLVI.

An ACT to ratify and confirm the adjustment of the boundary line between this state and the state of Tennessee, according to the articles of stipulation entered into by the Commissioners appointed by both states.

Approved February 11, 1820.

Preamble.

WHEREAS Commissioners appointed by the state of Tennessee, with full powers to settle and adjust the boundary line between said state and this commonwealth, have entered into an agreement with commissioners appointed on the part of this state to confer with said commissioners

appointed by the state of Tennessee, which agreement reduced to writing, bearing date the second day of February, one thousand eight hundred and twenty, and signed with the names, and under the seals of the commissioners of both states, in the words and figures following, to-wit :

“ The states of Kentucky and Tennessee, desirous of terminating the controversy which has so long subsisted between said states in relation to their common boundary, and of restoring the most perfect good understanding and harmony between them, have, for that purpose, appointed their respective commissioners, that is to say : The state of Kentucky on her part has appointed John J. Crittenden and Robert Trimble ; and the state of Tennessee on her part has appointed Felix Grundy and William L. Brown, who, after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations :—

“ ARTICLE, I. The line of boundary and separation between the states of Kentucky and Tennessee, shall be as follows, to-wit : The line run by the Virginia commissioners, in the year seventeen hundred and seventy-nine, and seventeen hundred and eighty, commonly called Walker's line as the same is reputed, understood and acted upon by the said states, their respective officers and citizens from the south-eastern corner of Kentucky to the Tennessee river ; thence with and up said river to the point where the line of Alexander and Munsell, run by them in the last year, under the authority of an act of the Legislature of Kentucky, entitled “ An act to run the boundary line between this state and the state of Tennessee, west of the Tennessee river, approved February 8th, 1819,” would cross said river ; and thence with the said line of Alexander and Munsell, to the termination thereof on the Mississippi river below New Madrid.

“ ART. II. It is agreed and understood, that from the point where Walker's line strikes the Tennessee river, to the point where the line of Alexander and Munsell would cross the same, the said Tennessee river shall be the common

boundary of said states, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee, which forms the common boundary between the two states, shall be within the exclusive jurisdiction of Kentucky; but any appropriations thereof by individuals heretofore made under the laws of North Carolina or Tennessee, shall be valid.

“ART. III. Whenever the governor of either state shall deem it expedient to have the boundary between the two states, which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the governor of the other state, and thereupon with all convenient dispatch, two surveyors shall be appointed for that purpose, one by the governor of each state; and the surveyors so appointed shall have power to employ a competent number of chain carriers and assistants, and they shall ascertain, survey and mark said line plainly and durably, having due respect to the provisions of the first article hereof; and it shall be the duty of said surveyors, to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor to the governor of his respective state, to be deposited and preserved in the office of secretary of state, for a testimony and memorial of the boundary between said states. And all cost and expense that may be incurred under the provisions of this article, and in surveying and marking said boundary line, shall be paid by said states, jointly and equally.

“ART. IV. The claims to lands lying west of the Tennessee river, and north of Alexander's and Munsell's line, derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

“ART. V. All lands now vacant and unappropriated by any person or persons claiming to

hold under the states of North Carolina or Tennessee, east of the Tennessee river and north of the parallel of latitude thirty-six degrees thirty minutes north, shall be the property of, and subject to the disposition of the state of Kentucky, which state may make all laws necessary and proper for disposing of, and granting said lands or any part thereof, and may, by herself or officers, do any acts necessary and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefor, or any part thereof, shall be received in evidence in all the courts of law and equity in the state of Tennessee, and be available to the party deriving title under the same; and the land referred to in this article, shall not be subject to taxation by the state of Tennessee for five years, except so far as the same may in the mean time be appropriated by individuals.

“ART. VI. Claims to land east of the Tennessee river between Walkers’ line and the latitude of thirty-six degrees thirty minutes north, derived from the state of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker’s line; but such claims shall be considered as rightfully entered or granted, and the claimants may enter upon said lands, or assert their rights in the courts of justice without prejudice by lapse of time, or from any statute of limitations for any period prior to the settlement of the boundary between the two states; saving, however, to the holders and occupants of conflicting claims, if any there be, the right of shewing such entries or grants to be invalid and of no effect, or that they have paramount or superior titles to the land covered by such Virginia claims.

“ART. VII. All private rights and interests of lands between Walker’s line from the Cumberland river near the mouth of Oby’s river to the south-eastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersected Walker’s line on the Cumberland mountain, and the parallel of thirty-six degrees thirty minutes north latitude, hereto-

fore derived from Virginia, North Carolina, Kentucky or Tennessee, shall be considered as rightfully emanating from either of those states ; and the states of Kentucky and Tennessee reserve to themselves respectively, the power of carrying into grant, claims not yet perfected ; and in case of conflicting claims, if any there be, the validity of each claim shall be tested by the laws of the state from which it emanated, and the contest shall be decided as if each state respectively, had possessed the jurisdiction and soil, and full power and right to authorise the location, survey or grant, according to her own rules and regulations.

“ ART. VIII. It is agreed that the foregoing articles shall receive the most liberal construction for effecting the objects contemplated, and should any disagreement arise as to the interpretation or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee, shall be selected, one by the executive of each state, with power to choose an umpire in case of disagreement, whose decision shall be final on all points to them submitted.

“ ART. IX. Should any further legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two states is hereby pledged, that they will unite in making such provisions, and respectively pass such laws as may be necessary to carry the same into full and complete effect.

“ ART. X. The foregoing articles and stipulations, if ratified by the legislature of Kentucky during their present session, shall forever be obligatory and binding on both states, and take effect from this day.

“ IN FAITH whereof, we, the respective commissioners, have signed these articles, and have hereunto affixed our seals. Done in duplicate, at Frankfort, the second day of February, one thousand eight hundred and twenty.

“ JOHN J. CRITTENDEN, SEAL.

“ ROBERT TRIMBLE, SEAL.

“ FELIX GRUNDY, SEAL.

“ WILLIAM L. BROWN, SEAL.

And whereas this commonwealth does approve of, and is willing to ratify and confirm each and every article and stipulation of the said agreement : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boundary line between the state of Tennessee and this commonwealth, as described in said agreement, subject to be run and marked as therein provided, shall be, and the same is hereby ratified and confirmed.

Ratification
of the bounda-
ry line.

Sec. 2. *Be it further enacted,* That each and every article and stipulation of said agreement, either relating to the boundary line between the said states, or to the land claims of individuals, or to vacant and unappropriated lands, or to any other subject matter in said agreement contained, shall be, and the same are hereby ratified and confirmed, and shall be regarded in all courts of justice in this commonwealth, as the law of the land.

Ratification of
each and every
article of the
treaty.

And declared
to be binding
& obligatory.

CHAP. DXLVII.

An ACT to incorporate the Louisville Sugar Refining Company.

Approved February 11, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Henry Maltz and Francis Jacobsen, together with such other persons, their associates, who shall hereafter become shareholders in the manner hereinafter directed, shall be, and are hereby created and made a corporation and body politic, by the name, style and title of the "Louisville Sugar refining Company," and shall so continue until the first day of January in the year 1840 ; and by the name, style and title aforesaid, are hereby made capable in law to purchase, receive and hold to them and their successors, lands, rents, tenements, hereditaments, chattels, real and of what kind, nature and quality soever, to an amount not exceeding in the whole, one hundred

Company in-
corporated.

Name;

Continuance.

Powers.

May hold es-
tate.

By-laws.	thousand dollars, and the same to sell, grant and demise ; to sue and be sued, in any courts of law or equity ; and also, to make, have and use, alter and renew at their pleasure, a common seal ; and also, to ordain, establish and put in execution, such by-laws and regulations as shall to them seem necessary and convenient for the government of said corporation, and which shall not be contrary to law and this act ; and generally to do and execute all and singular, the acts, matters and things, which shall or may appertain to a corporation aggregate ; subject, nevertheless, to the rules, regulations and restrictions hereinafter declared.
General powers.	<p>Sec. 2. Subscription books shall be opened for the forming and taking of the capital stock of said corporation, under the direction of Thomas Prather, Daniel Fetter, James Hughes, Isaac Thom, Levi Tyler, Cuthbert Bullitt and John T. Gray, commissioners, or a majority of them, on or before the first day of April in the present year, at the Union Hall in the town of Louisville. The capital stock of said company shall consist of one thousand shares of one hundred dollars each ; and shall be paid by the subscribers respectively, in money, goods, lands or such other property, at such prices, at such times, and in such amounts as said company by their votes, by-laws or assessments, shall determine.</p>
Commissioners.	
Books when to be opened.	
Capital stock.	
Subscriptions, how to be paid for.	
Comm'rs. may call meeting.	<p>Sec. 3. That so soon as two hundred shares shall be subscribed, the said commissioners or a majority of them, shall be, and are hereby authorised to call a meeting of the stockholders by publication in one or more newspapers then printed in the town of Louisville. The said meeting shall be held within thirty days after said two hundred shares shall have been subscribed, at such place in said town as shall be fixed upon in said publication ; and at such meeting, the stockholders present, shall elect a president and five directors, and such other officers as they may deem necessary ; and such president, directors and other officers, shall hold their offices respectively, until the first Monday of January, 1821, and until others shall have been duly elected in their stead.</p>
Notice.	
Elect a president and directors.	

There shall be an annual meeting of the stockholders on the first Monday of January in every year during the continuance of the corporation, at such place as the president and directors in office, shall appoint ; of which appointment four weeks' notice shall be given in some newspaper then published in Louisville ; and at such other times as may be designated by the by-laws, or specially called by the president and two directors, for the purpose of electing or removing any one or more officer or officers of said company, laying assessments on shares, and for transacting any other lawful business of the said corporation : *Provided*, the time and place of such meeting, and the business to be transacted, be specially notified by publication at least thirty days in one or more newspapers then printed in Louisville aforesaid ; and in case of the death, resignation or removal from office of president, secretary, treasurer, director or directors, or of refusal to act, his place may be filled by a new election for the remainder of the year, in such manner as shall be directed by the by-laws and ordinances of the corporation.

Annual meet-
ing.

Notice.

Special meet-
ing.Notice to be
given. & cause
mentioned.

Sec. 4. Every stockholder, shall at the first meeting of the stockholders of said company, be entitled to one vote for each share subscribed in his name ; and at every subsequent meeting, every stockholder shall be entitled to one vote for each share on which the assessment or assessments shall have been paid : *Provided however*, no stockholder shall in any case be entitled in his own right to more than twenty votes.

Scale of voting

Sec. 5. All the officers of said corporation shall be citizens of, or actually residents and dwelling in this commonwealth.

All officers to
be citizens.

Sec. 6. So soon as the sum of twenty thousand dollars shall have been actually paid in, or secured to be paid, the said company may go into operation. The debts of said company shall in no case and at no time exceed fifty per cent. of the amount of capital paid in ; and dividends of the profits shall be declared and paid at least as often as once in each year : *Provided however*, no

When compa-
ny may go into
operation.Debts not to
exceed certain
amount.
Dividends shall
be declared.

Dividends to be applied to payment of assessment in certain cases.

stockholder shall be entitled to any dividend, unless he shall have paid all the assessments which shall have been lawfully made on his stock ; but such dividend shall be applied to the payment of the assessment or assessments on the stock of such delinquent, deducting therefrom ten per cent. for the use of the company by way of penalty.

Corporation may be dissolved by two-thirds stockholders.

Sec. 7. It shall be lawful for the stockholders of said company at any meeting legally and regularly called, to dissolve said corporation : *Provided*, that two thirds of the stockholders in numbers and value, shall vote for its dissolution : *And provided also*, before said dissolution shall take place, the debts of said company shall be fully paid and discharged, or secured to the satisfaction of the respective creditors of said corporation ; and in no case shall such vote of dissolution deprive any creditor of his right of action or suit against said corporation, in any court of law or equity.

Debts must be secured.

Rights of creditor secured.

Corporation, what confined to.

Sec. 8. The lawful business of said corporation shall be confined to [the] refining and manufacturing of sugars and molasses ; and to such other dealings as may be necessary to effect the object of said corporation : *Provided, however*, that said corporation shall not have, possess or exercise banking privileges or powers.

Not to have banking powers.

Shares transferable.

Sec. 9. The shares in the said corporation shall be transferable under such regulations as shall be provided by the by-laws and ordinances of the said corporation ; and may be voted for by proxy, attorney in fact, executor or administrator of the owner : *Provided*, that nothing herein contained, shall be construed to prevent the general assembly of this commonwealth from repealing this act whenever they may think proper to do so : *Provided also*, that the shareholders in said company shall be responsible for all debts contracted by the company.

May vote by proxy.

Power to repeal reserved.

Shareholders responsible for debts.

CHAP. DXLVIII.

An ACT to incorporate the New-Castle Circulating Library Company.

Approved February 11, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Harvey Gregg, Samuel Owens, Edmund P. Thomas, William Butler, James Bartlett, John W. Brito and Isham Henderson and their successors duly appointed as is hereinafter directed, be, and they are hereby constituted a corporation and body politic, to have continuance for the term of ten years by the name and style of the Trustees of the New-Castle Circulating library company. Trustees incorporated.

Sec. 2. *Be it further enacted*, That all sums of money, books, goods or chattels, that hereafter may be subscribed for, and all donations that may be made to said corporation, are hereby vested in said corporation; and they shall at all times be capable of receiving any gift, grant or bequest of money, goods and chattels or books, which are made by any person or persons capable of making any such gift, grant, bequest or donation, to be held by them, or disposed of for the benefit of said corporation, according to the intent of said corporation, and the intention of the donors. Powers of corporation.

Sec. 3. *Be it further enacted*, That the said corporation by the style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, before any court, judge or justice of the peace in this commonwealth or elsewhere, in all manner of suits, plaints or actions, in as full and effectual manner as persons or bodies politic or corporate may or can do. May sue and be sued.

Sec. 4. *Be it further enacted*, That the said corporation shall have power to use a common seal, and the same to alter or renew at pleasure; to appoint a librarian, treasurer and secretary; to regulate their duties and compensation; to remove them or either of them from office, and appoint others in their place as often as they or a majority of them shall think fit; to make all such by-laws as may be useful to the institution; fill vacancies in their body in vacation; to levy and What officers to be appointed.
By-laws.

Fines.**Proviso.****Annual meeting.****Notice.****May vote by proxy.****Majority of shareholders must vote.****One vote for every share.****First election for trustees.****Shares transferable.****Not to have banking powers.**

collect fines and forfeitures, and to determine and transact all business of said corporation according to their rules, ordinances and by-laws during their continuance in office: *Provided however*, that not less than a majority of the trustees shall form a quorum, and no by-laws shall be made repugnant to the laws of this commonwealth.

Sec. 5. *Be it further enacted*, That there shall be an annual meeting of the members of said company, at some suitable place as the trustees may direct, giving at least thirty days' notice of the time and place of meeting, by advertisement at the court-house door in New-Castle, at which time and place the shareholders in person or by proxy in writing, shall proceed to elect trustees for said corporation, who shall hold and exercise their office for one year thereafter, and until their successors are duly elected: *Provided always*, that no election shall be confirmed or made valid, unless a majority of all the shareholders shall vote at any such election. Each member or shareholder, shall have one vote upon each share he or she may hold, until the corporation shall otherwise direct.

Sec. 6. *Be it further enacted*, That the first election for trustees shall take place in New-Castle on the first Saturday in January, eighteen hundred and twenty-one, and on that day in every year thereafter, if a majority of shareholders should meet for that purpose; but if they should fail to meet on that day in each year, then the trustees shall have power to fix a day for said election, to be held within three months from the time of failure giving notice as aforesaid.

Sec. 7. *Be it further enacted*, That the said trustees may make any law or ordinance in relation to the transfer of shares, or the relinquishment thereof, at the request of the parties concerned, provided such transfer may not prove prejudicial to the said institution.

Sec. 8. *Be it further enacted*, That nothing in this act contained, shall be construed to give the said company any banking powers or privileges.

CHAP. DXLIX.

An ACT to amend the several acts respecting the Turnpike Road from the mouth of Triplett's creek to Big Sandy.

Approved February 11, 1820.

WHEREAS it is represented to the present general assembly, that the proprietors of the turnpike road leading from Triplett's creek and from Lewis' mill on Foxe's creek in Fleming county to the mouth of Big Sandy, have for a long time failed and neglected to keep said road in repair, and that the same is now in very bad order: For remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas Scott of Greenup, Moses Thompson and Jacob Powers of Fleming, Elihu Owens of Bath, and John Mason of Montgomery, shall be, and are hereby appointed commissioners of said road, in lieu of those heretofore appointed and now in office.

New commrs.

Sec. 2. The commissioners herein appointed, or a majority of them, shall proceed as soon as may be, to view and examine the situation of said road; and if the said commissioners, or a majority of them, shall be of opinion that the said road is in bad repair, and not in a condition for the passage of waggons and carriages with convenience, they shall certify that fact to the person or agent attending the turnpike gate, and cause the said gate to be thrown open for the passage of all persons and property of every description, free of toll; nor shall it be lawful for the keeper of said gate, or any person for him, to demand or receive any fee or toll from any person after the delivery of said certificate by the commissioners or their agent: *Provided*, that so soon as the keeper or proprietor of said turnpike road, shall put the same in good repair for the passage of waggons and carriages, according to the conditions of the bond executed when the said road was let, and obtain from a majority of said commissioners a certificate, that said road is in

To proceed to examine road.

If out of repair gate to be thrown open,

And persons to pass without paying toll.

May charge toll so soon as commrs. certify the road is in good order.

good repair for the passage of waggons, &c. it shall be lawful for him to resume the receipt of the tolls allowed by law as heretofore.

Penalty for attempting to pass without paying toll.

Sec. 3. If any person shall attempt to pass said turnpike gate without paying the fees, or avoid or attempt to avoid the same, they shall forfeit and pay ten dollars for the use of the keeper, recoverable before any justice of the peace in this commonwealth.

Commr's. may suspend collection of tolls whenever the road is out of order.

Sec. 4. It shall be lawful for the said commissioners, or a majority of them, and they are hereby authorised at all times, to throw open said turnpike gate, and to suspend the collection and receipt of fees or tolls allowed by law, whenever they shall be of opinion that the said road shall be out of repair, proceeding according to the provisions of the second section of this act; and whenever the office of commissioner shall become vacated by removal from the county in which he is appointed, refusal to act, or otherwise, it shall be the duty of the county court of such county to fill such vacancy, by the appointment of some fit person unconnected with the keeper of said turnpike.

Vacancies of commr's. how filled.

When the road is to be viewed.

Sec. 5. It shall be the duty of the said commissioners, on the third Mondays in the months of May and October in each year, to go upon and examine the situation of the whole of said road; and for their services, under the provisions of this act, they shall be entitled to two dollars per day each, to be paid by the keeper or proprietor of said road, in case said road shall be adjudged to be out of repair when the services are rendered, and when said road shall not be considered by them out of repair, to be paid out of the county levy of the counties in which the commissioners, who may act, respectively reside.

Their fees.

How paid.

Certain persons exempt from toll.

Sec. 6. All persons necessarily travelling to and from public worship, shall be free and exempt from paying toll at the gate on said road.

CHAP. DL.

An ACT to amend an act to establish the Little Sandy Lick Election Precinct in Greenup county, and for other purposes.

Approved February 11, 1820.

WHEREAS it is represented to the present general assembly, that the house formerly occupied by Robert H. Grayson, where the elections for the little Sandy Lick precinct in Greenup county were directed to be held, is destroyed or otherwise removed. Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the elections in said precinct, shall hereafter be held at the house of William Evans in said precinct, and shall be governed by the same rules and regulations as are prescribed by the act to which this is an amendment. Place of holding elections in precinct in Greenup county changed.

Sec. 2. That all that part of Franklin county within the following bounds, to-wit: Beginning at the Kentucky river opposite the intersection of the Woodford line with that river; thence due west to the Shelby county line; thence along the line to the mouth of Crooked creek, on Salt river; thence with the Washington and Mercer county lines to the Kentucky river, and down the same to the beginning, shall constitute an election precinct; and the election shall be held at the house of William Lawrence, in the town of Lawrenceburg. Precinct established in Franklin.

Sec. 3. The county court of Franklin county shall appoint judges and a clerk to conduct the election in said precinct; and the sheriff of Franklin county, or his deputy, shall attend to conduct the said election; and the said judges, sheriff, or his deputy, shall be governed by the same rules and regulations as are now provided by law in similar cases. And the sheriff of Franklin county, or his deputy, shall, on the Saturday succeeding the close of the election, meet at the town of Frankfort, at the court-house, and compare the polls: *Provided*, that the voters within the bounds of said precinct, may either vote at the said precinct or at the court-house. Judges and clerk to be appointed.

Votes to be compared.
Proviso.

CHAP. DLI.

An ACT incorporating the Trustees of the Corn Creek Academy in Gallatin county.

Approved February 11, 1820.

Recital.

WHEREAS it is represented to the present general assembly, that Drakeford Gray, in his lifetime, gave to the trustees of the Corn Creek school, one acre of land, whereon the said trustees have erected a brick house for the use of said school, and the said Drakeford not having conveyed the same to the said trustees during his life, and his heirs still being willing to carry into effect the good intentions of the said Drakeford, did by deed attempt to convey the said lot to the said trustees, for the use aforesaid ; but doubts are entertained as to the validity of said deed, and the said heirs being still desirous to have the title to said lot vested in the said trustees : Wherefore,

Trustees incorporated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert King, Presley Gray, George Strother, Smith King, Thomas Spillman, Samuel Todd, Alexr. Givens, Jos. Taylor, Henry Davidge, and James M'Conathy, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Corn Creek Academy, and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure ; and as a body corporate, shall be authorised to exercise all the powers, rights and privileges that are now enjoyed and exercised by the trustees of any academy or seminary of learning within this state ; and on the death, resignation or other disqualification of any of said trustees, or their successors, a majority of the remaining trustees may fill such vacancy or vacancies, and the person or persons so appointed shall be vested with the same powers and privileges as if specially named in this act, and by the name and style of the trustees of the Corn Creek Academy, may sue and be sued, plead and be impleaded in any court of law or equity.

Name.

Powers.

Sec. 2. The deed for the aforesaid lot of ground from the heirs of the said Drakeford Gray, to the former trustees of said school, shall be, and the same is hereby confirmed to the use and benefit of said school, and the title of the said lot of ground shall vest in the present trustees of said school and their successors forever, to, and for the use and benefit of the said academy ; and the said trustees and their successors shall have power in their corporate capacity, to purchase or receive by donation, any other lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy, and to sell or transfer any such lands, tenements, hereditaments, goods and chattels, and apply the proceeds to the use of said academy ; and the said trustees may, from time to time make such laws and regulations as they may deem proper and useful for the government of said academy, not contrary to the laws of this commonwealth.

Land vested in them:

May hold lands, &c.

May transfer them.

By-laws.

CHAP. DLII.

An ACT allowing further time to locate and survey Seminary Land.

Approved February 11, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years from and after the passage of this act, be allowed to locate and survey the donation lands for the several seminaries of learning in this commonwealth : Provided however, that nothing in this act contained, shall authorise the locating or surveying any land west of the Tennessee river.

CHAP. DLIII.

An ACT to amend the Penal Laws.

Approved February 11, 1820.

Free female convicted of simple larceny to be fined and imprisoned.

Amount and time.

Proviso.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any free, white, female person, shall hereafter be convicted of simple larceny, of value not exceeding four dollars, such offender shall be fined or imprisoned at the discretion of a jury, in any sum not exceeding ten dollars, or not exceeding ten days' imprisonment in the jail of the county wherein such trial and conviction may be had ; and such offender shall be discharged from all other fines, costs or penalties : *Provided however,* that all such offences committed previous to the passage of this act, shall be punished as heretofore.

Free male to be fined & imprisoned also.

Amount and time.

Convict to pay costs.

Convict may take oath of an insolvent debtor.

Sec. 2. That when any free, white, male person, shall be hereafter convicted of simple larceny hereafter committed, of value not exceeding four dollars, such offender shall be fined or imprisoned at the discretion of a jury, in any sum not exceeding one hundred dollars, or not exceeding six months' imprisonment in the jail of the county wherein such trial and conviction may be had ; and such person shall be liable to the payment of all costs incurred by the commonwealth in such prosecution, and shall not be discharged out of custody until he shall pay and satisfy such fine and costs, unless such convict shall deliver a schedule of his estate, and take the oath of an insolvent debtor as now prescribed by law.

CHAP. DLIV.

An ACT supplemental to the act for the formation of the County of Trigg.

Approved February 11, 1820.

WHEREAS a mistake has taken place in one of the boundary lines forming the county of Trigg in engrossing the bill forming said county : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line of said county commencing within two miles of Collay's horse mill, shall run south sixty-seven east, instead of south sixty east, as stated in the act forming said county.

CHAP. DLV.

An ACT to amend the several acts regulating Conveyances.

Approved February 11, 1830.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no deed of mortgage or deed of trust hereafter made or executed, for, or upon any real or personal estate, shall be good or valid against a purchaser for a valuable consideration, without notice thereof, or against any creditor, unless such deed shall within sixty days after the acknowledgement or proof by two subscribing witnesses according to the existing laws, be deposited for record in the office of the county court clerk of the county where the estate therein conveyed or the greater part thereof lies.*

Mortgages and deeds of trust to be recorded in 60 days.

Sec. 2. That no sale hereafter made by any trustee or trustees, under, or by virtue of any deed of trust or pledge of any estate whatever, shall be good or valid; nor shall any conveyance made by any trustee or trustees, pass the title or interest of any estate or property in any such deed mentioned, unless such sale shall be previously ordered or decreed by a court of chancery, upon bill filed and proceedings had thereon as in the case of mortgages, unless the maker or makers of any such deed or pledge, shall join in the deed or writing evidencing such sale or transfer.

No sale or conveyance to be made under deed of trust, unless ordered by a court.

Sec. 3. That so much of every law as comes within the purview of this act, shall be, and the same is hereby repealed.

CHAP. DLVI.

An ACT for the benefit of Sarah Pitman.

Approved February 11, 1820.

Register to receive plat and certificate.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office shall receive and register without fee, a plat and certificate of survey for one hundred acres of land lying in Warren county, made on a certificate granted by the said county court, in the name of Elijah Hammett, assignee of Joseph Barrel, and assigned to Sarah Pitman.

And issue grant.

Sec. 2. *Be it further enacted*, That after the said survey shall have been registered six months, the register is hereby required to issue a patent to the said Sarah Pitman on the said survey, without the payment of the state price on the same.

CHAP. DLVII.

An ACT establishing a precinct in the south-west part of Washington County.

Approved February 12, 1820.

Preamble.

WHEREAS it is represented to the present General Assembly, that great inconvenience is experienced by a large portion of the citizens in the south-west part of Washington county, in exercising the right of suffrage, which they deem one of the most important ones guaranteed to them by the constitution, owing to the remote distance which they are located from the seat of justice : Wherefore,

Boundary of precinct.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Washington county within the following bounds, to wit : Beginning on the top of Muldough's Hill, where the Green river road crosses the county line ; from thence running with said road to Hardin's creek ; thence with said creek to the mouth ; thence down the Beech fork

to the Nelson line ; thence with said line to the Hardin county line ; thence with said line to the Green county line ; thence with said line to the beginning ; shall constitute an election precinct, to be called and known by the name of the South-Western Precinct.

Sec. 2. *Be it further enacted*, That the election in said precinct, shall be held at the house of Lloyd Ray in the town of Raywick ; and the county court of Washington, shall appoint judges and a clerk to conduct the election in said precinct ; and the sheriff of Washington county or his deputy, shall attend to conduct the polls at the election in said precinct ; and the said judges, clerk and sheriff or his deputy, shall be governed by the same rules and regulations now in force in relation to the judges, clerk and sheriff, of the election held at Raywick, and shall receive the same pay for their services. This act to be in force from and after the first day of March next.

Where elections to be held.

Judges & clerk to be appointed. Their duty.

CHAP. DLVIII.

An ACT supplemental to an act concerning Chapline's Fork of Salt River.

Approved February 12, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the mill and mill-dam belonging to Newel Beauchamp and Joseph M'Closky on Chapline's fork of Salt river, shall be, and are hereby duly authorised, legalized and established ; and the proprietors or owners thereof, shall at all times have the right to rebuild the same at any time within four years ; and if at any time the slope to the dam prescribed by the act to which this is supplemental should be removed by the water, the owner or owners, shall have reasonable time after the water has fallen, to repair the same without being subject to damages, according to the provisions of the before recited act.

Beauchamps & M'Closky's mill dam legalized.

CHAP. DLIX.

An ACT for the benefit of Thomas M'Roberts.

Approved February 12, 1820.

Recital.

WHEREAS it is represented to the present General Assembly, that Thomas M'Roberts, assignee of John Smith, who was assignee of James and Hugh White, who were assignees of Jesse Richardson, who was assignee of John M'Fall, claims by virtue of a county court certificate, and the different assignments thereon, which issued from the county court of Pulaski county, which was removed by the circuit court of the aforesaid county, and surveyed in Clay county, one hundred acres of land; and it appearing that the surveyor of Clay county in making out his plat and certificate of the same, did not certify the true courses and distances, on account of which error and mistake, a grant cannot issue for the same land which was intended to be surveyed and located, which appears from the re-survey and certificate of the surveyor of said county since made and returned: For remedy whereof,

Register to receive copy, plat and certificate and issue grant.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the register of the land office to receive and record said last plat and certificate of survey from said surveyor, and according to the provisions of the existing laws, to issue a grant therefor, as though said error had not existed, any law to the contrary notwithstanding.

CHAP. DLX.

An ACT for the relief of the President and Directors of the Bank of Green River.

Approved February 12, 1820.

Preamble.

WHEREAS it is represented to the General Assembly, that the president and directors of the bank of Green River, have acceded to the conditions expressed in the act entitled "an act to amend the charter of the bank of Green River, approved February fifth, one thousand eight hun-

dred and nineteen," and have executed and filed a bond in the clerk's office of the Barren circuit court, according to the provisions of the said act; and whereas it is thought reasonable, that said president and directors should be placed upon the same footing as other debtors: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president and directors of the Bank of Green river, and each of them, shall have the same right to replevy all judgments obtained against them and each of them, on any bond now executed or which may hereafter be executed and filed in the clerk's office of the Barren circuit court, in pursuance of the provisions of the said recited act, which may be at any time enjoyed by any debtor in this commonwealth; and the said president and directors shall in all respects be placed upon the same footing with other debtors in satisfying all executions which may issue on judgments obtained against them on account of debts contracted by the said bank, any thing in the said recited act to the contrary notwithstanding.

The president and directors placed on the footing of other debtors

Sec. 2. *Be it further enacted*, That the president, directors and company of the Bank of Green river, upon paying into the public treasury the sum of two hundred and thirty-three dollars thirty-three cents, shall be absolved from all further claim on the part of this state, for any tax on the amount of the capital stock, or so much thereof as may have been paid in.

The bonus or tax to be paid by them ascertained & fixed.

Sec. 3. *Be it further enacted*, That the president, directors and company of the Bank of Green river, in their corporate capacity, may sue and be sued until the first day of July, one thousand eight hundred and twenty-two, and no longer; and said recited act shall continue in force until that period, and no longer, subject nevertheless, to the modifications expressed in the second and third sections of this act; and no plea of no such corporation, shall be a good defence to an action brought by said president, directors and company of the Bank of Green river; and the possession of the negotiable note on which any action may be instituted in favor of

May sue and be sued until 1st July, 1822.

Under certain restrictions,

The plea of nulliel corporation not a good defence in an action on a note brought by them. Possession of a note prima

facie evidence of its being discounted. said president, directors and company, shall be *prima facie* evidence that the same was discounted at the Bank of Green river by said president and directors.

CHAP. DLXI.

An ACT for the division of Pendleton County.

Approved February 12, 1820.

Boundary of
new county.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, all that part of the county of Pendleton contained in the following bounds, to wit: Beginning at a saw-mill built and formerly owned by David Robinson on Crooked creek, just below the junction of the Scaffold lick fork of said creek in the Pendleton and Harrison line; thence northwardly a direct line to intersect the Campbell and Pendleton line, four miles east of the Dry Ridge road; thence westwardly with the Campbell and now Pendleton line, to the present northwest corner of Pendleton on the Gallatin line; thence southwardly with said Gallatin and now Pendleton line, to the Owen corner on the same; thence with the Owen line and now Pendleton line, to the Scott, Harrison and Owen corner on the said Pendleton line at Million's on the Dry Ridge road; thence with the Harrison and now Pendleton line, down Crooked creek to the beginning; shall be one distinct county, called and known by the name of Grant.

Called Grant.

Justices of the
peace to be ap-
pointed and
hold first court
appoint clerk,
&c.

Sec. 2. The county of Grant shall be entitled to seven justices of the peace, who shall meet at the house of Henry Childers on the Dry Ridge road, on the second Monday in April next, and after taking the necessary oaths of office, and qualifying a sheriff agreeable to the constitution of this state and as the law requires, they shall proceed to elect a clerk, to whose permanent appointment, it shall be necessary for a majority of all the justices in commission in said county to concur; and if said majority cannot be had in

favor of any one, then the court shall appoint a clerk *pro tempore*.

Sec. 3. The county courts shall commence on the second Monday in each and every month, except those in which circuit courts may be holden. The circuit courts for said county of Grant, shall commence on the third Monday in May, August, and November, and may, if necessary, sit six judicial days, all of which courts shall be held at the house of Henry Childers on the Dry Ridge road, until a place for the permanent seat of justice shall be fixed upon, or a court-house provided by the county court. The county of Grant shall form a part of the second judicial district.

Time of holding county and circuit court.

To form a part of second judicial district.

Sec. 4. The circuit and county courts and justices of the peace for Pendleton county, shall have jurisdiction in all actions and suits commenced before this act takes effect, and shall render judgment and award execution thereon as if this act had not taken place; and the sheriffs, constables, coroners and other civil officers of said Pendleton county, may levy all executions or other process, collect all taxes, fines or other monies as the law directs, which they had for collection previous to the commencement of this act.

Courts, &c. of Pendleton to retain jurisdiction in certain cases.

Officers to make collections.

Sec. 5. The citizens of said county of Grant, shall vote for a member to serve in the legislature with the county of Pendleton, and be attached to the same with respect to representation, as if this law had not passed, until otherwise provided for; and the elections for said county of Grant, shall be held at the place where the county courts hold their respective terms; any law to the contrary notwithstanding.

Citizens to vote as heretofore.

Sec. 6. *Be it further enacted*, That John H. Rudd, of Bracken county; John Curry, James R. Curry and Robert Huston, of Harrison county; Garrett Wall and John T. Johnson, of Scott county; be appointed commissioners for the purpose of fixing the permanent seat of justice for said county; who shall meet at the house of Henry Childers on the first Monday in May or June next; and they, or a majority of them, shall pro-

Com'rs. to fix the seat of justice.

Their compen-
sation, &c.

ceed to fix upon the permanent seat of justice for said county, and they shall report the same to the county court so soon as they have determined thereon; and said commissioners shall be entitled to three dollars each, per day, for each and every day they are necessarily engaged, to be paid by the sheriff out of the first county levy: *Provided however*, if the commissioners or a majority of them, shall fail to perform the duties assigned by this act, in fixing the seat of justice for said county until the first day of September next, then it shall be lawful for the county court, a majority of all the justices concurring therein, to fix and locate said seat of justice, under the terms and regulations herein contained, vested in said commissioners.

Boundary line
to be run and
marked.

Sec. 7. *Be it further enacted*, That William Mountjoy, the surveyor of Pendleton county, shall run and mark said division line, when notified by the county court so to do, or so soon thereafter as may be in his power; and the said surveyor and chain carriers, shall be paid the same fees as now allowed by law for similar services, to be paid out of the first levy.

CHAP. DLXH.

An ACT to repeal in part the act concerning the Turnpike and Wilderness Road.

Approved February 12, 1820.

WHEREAS it is represented to this present general assembly, that the several laws and parts of laws now in force concerning the turnpike and wilderness road, operate oppressively upon that portion of the good citizens of this commonwealth, who live within two miles thereof, within the Madison precinct of said road: For remedy whereof,

Certain persons of Madison county exempted from working on the road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the titheables who live or may hereafter live within two miles of that part of the turnpike and wilderness road which runs through the county of Madison,

be, and they are hereby exempted from working on said road, any law to the contrary notwithstanding.

CHAP. DLXIII.

An ACT to alter the time of holding certain Circuit Courts.

Approved February 14, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the October term of the Hart circuit court, shall hereafter commence on the third Monday in October, and may sit six juridical days, if the business require it. The circuit courts for Monroe county, shall commence on the second Mondays in April and July, and the fourth Monday in October, and may sit six juridical days at each term, if the business require it.

Time of holding Hart circuit court.

Monroe.

CHAP. DLXIV.

An ACT to provide for laying off the lands west of the Tennessee river, into Townships and sections.

Approved February 14, 1820.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed by a joint vote of both houses of the general assembly, some fit person as superintendent in surveying the lands situate west of the Tennessee river in this state.

Superintendent to be appointed.

Sec. 2. Be it further enacted, That the superintendent appointed as aforesaid, shall have full power to appoint one or more deputies, to enable him to perform the duties prescribed by this act.

May appoint deputies.

Sec. 3. Be it further enacted, That the said superintendent and his deputies, before entering on the duties of their offices, shall take the oath prescribed by the constitution before some justice

To take an oath.

of the peace; a certificate of which oath shall be filed in the office of the secretary of state.

To lay off
country into
townships

Sec. 4. *Be it further enacted,* That said superintendant shall lay off, and divide the land west of said river by north and south lines, running according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the course of navigable rivers may render it impracticable, and in such case the rule shall be departed from no further than such particular circumstance may require. The corners of the townships shall be marked with progressive numbers, from the beginning, making the south east corner of each township the beginning corner, and where any tree, post or stone may be the corner of two or more townships, it shall be marked on each side facing the centre of the townships to which it is a corner, with the letter T. and the number of the township, the centre of which faces the side so marked. Each township shall

And sections.

The manner of
marking lines
and corners,
&c.

be divided into sections, containing as nearly as may be, six hundred and forty acres each, by running through the same, five lines parallel to the east boundary lines of the townships, beginning at the distance of one mile from each other. In running the lines of townships, and said lines parallel to the township lines, trees, posts or stones, half a mile from corners of sections, shall be marked as corners of quarter sections. The sections shall be numbered respectively, beginning with the number one, in the north-east section of the township, and proceeding west and east alternately, through the townships, with progressive numbers until the thirty-sixth be completed. And it shall be the duty of said superintendant, to cause to be marked on a tree, post or stone, near each corner made as aforesaid, and within the section, the number of such section, and over it the number of the township in which such section may be; and the said superintendant shall cause to be made a general plat, exhibiting the situation of each township and section thereof, and shall cause to be made a field book describing the corner of each township,

To make a
field book.

and section, and the tree, stone or post marked within the corners of sections, with the number of the section and township, and also, the situation of mill seats, the crossing of water courses, and the quality of the soil. Said superintendent shall, also, cause to be described in his field book, the situation of all mines, salt springs or licks, and all remarkable places, and whether any person be residing on or within any section or township; also, report the quality of the land in each section and township and whether the same be first, second or third rate. The portional parts of townships shall be divided into sections, in the manner aforesaid, and the portions of sections when less than sixty acres, shall be annexed to, and sold with the adjacent portions or entire quarter sections at the option of the register of sales. The lines and corners of sections to be run as aforesaid, shall be plainly marked upon trees, stones or posts, the corners with three chops, and the lines with two. All lines shall be measured with chains containing two perches of sixteen and one half feet each, which chain shall be adjusted by a standard to be kept for that purpose.

Lines and corners to be marked.

Sec. 5. *Be it further enacted,* That said superintendent shall cause four complete plats to be made out, each of which shall exhibit the townships and sections, and portions of townships and sections, as run and laid off according to the provisions of this act; and he shall deliver one of said plats to the register of the land office, one to the auditor of public accounts, one to the clerk of Livingston county and one to the clerk of Caldwell county. And the said register, auditor and clerks shall hang up said plats in some convenient part of their offices for public inspection. And said superintendent shall furnish the register of the land office with a copy of his field book for all lands laid off into townships and sections as aforesaid.

Superintendent to make out 4 plats.

To be delivered to the register of the land office, auditor and clerks of Caldwell and Livingston.

Register to be furnished with copy field book.

Sec. 6. *Be it further enacted,* That said superintendent shall receive for his services, in laying off the lands west of said river, into townships and sections as aforesaid, and for making

Compensation to superintendent.

out and furnishing said plats, and a copy of his field book as aforesaid, the sum of two dollars for each mile he necessarily runs, to be ascertained by the auditor of public accounts, on the said superintendant returning a plat to his office as aforesaid, which allowance for services shall be drawn out of the Treasury upon the auditor's warrant in favor of said superintendant.

CHAP. DLXV.

An ACT concerning the town of Bowling-Green.

Approved February 14, 1820.

Tax laid for.
Fire engine.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the trustees of the town of Bowling-Green to raise by taxation on the houses and lots in said town a sum of money not exceeding seven hundred dollars, to be applied exclusively to the purchase of a Fire Engine for the use of said town and no other purpose.

Additional tax.

Sec. 2. That the trustees of the said town may raise annually by taxation as heretofore a sum not exceeding four hundred dollars in lieu of the amount of tax now authorised by law.

annual elec-
tion.

Sec. 3. That the trustees of said town shall hereafter be elected on the first Saturday in March, in each and every year, and that any one or two justices of the peace for the county of Warren may preside at said election with the clerk of the trustees, and the said justices shall certify the votes which may be so taken and the persons who may be elected, which shall be attested by the said clerk and such certificate shall be entered upon the record of the trustees of said town and shall be evidence in all courts and controversies that the said trustees so returned were duly elected the trustees of the said town at such annual election.

CHAP. DLXVI.

An ACT for the benefit of James Tilford, Sen. John G. Park and James Tilford.

Approved February 14, 1820.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Tilford, Sen. John G. Park and James Tilford, be, and they are hereby authorised to survey in one or more surveys upon waste and unappropriated land, five thousand acres within five miles of their salt well in Green county ; which survey or surveys, shall be made on or before the first day of May next, and recorded in the office of the principal surveyor of the county in which such survey or surveys may be made ; and the said land, so surveyed, shall be, and the same is hereby protected from being appropriated by any other person or persons, by warrant or otherwise, for, and during the term of four years from and after the passage of this act : And at any time when the said James Tilford, Sen. John G. Park and James Tilford, shall make fifty bushels of salt per day at said well, and make proof before some justice of the peace of Green county of the fact, and obtain such justice's certificate, and file the same together with a plat or plats and certificate, with the register of the land office of this commonwealth, the register shall issue patents to said Tilford and Company for so much land as they shall have so surveyed, not exceeding in the whole five thousand acres, upon their paying into the treasury the sum of ten dollars per hundred acres : *Provided however,* that such patent or patents shall be issued in such times as other patents may issue : *And provided moreover,* that said grants shall not interfere or affect any claim now to said land ; and the surveyor making such survey or surveys, shall be entitled to receive from said Tilford and Company, such fees as are now allowed by law for similar services.*

May locate
5000 acres of
land.

Surveys to be
made and re-
turned.

Exclusive
right.

When proof is
made that they
have made salt
thereon, a
grant to issue.

Sum to be paid
for land.

Proviso.

CHAP. DLXVII.

*An ACT to endow the Medical Department in the
Transylvania University.*

Approved February 14, 1820.

\$5000 appro-
priated.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of five thousand dollars be appropriated for the use of the Medical College at Lexington, to be paid to the order of the Dean of the faculty out of any money in the treasury not otherwise appropriated.*

How to be laid
out.

Sec. 2. *The money thus appropriated, shall be laid out in books and apparatus, under the direction of the faculty, and to be considered the property of this state for the use of the Transylvania University.*

CHAP. DLXVIII.

An ACT to amend the Law concerning Ferries.

Approved February 14, 1820.

Preamble.

WHEREAS it is represented to the present general assembly, that doubts exist and different constructions have been put on the several laws regulating ferries on the Ohio river.

No ferry to be
established
within 1 1-2
miles of any
other on the
Ohio.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter no ferry shall be established on the Ohio river to the opposite shore, nearer than one and a half miles above or one a half miles below any other ferry that has heretofore been established, or may hereafter be established, except it be in a town where an impassable river intervenes.*

Passengers not
to be carried
nearer than 1
1-2 miles of an-
other ferry.

Sec. 2. *When any ferry is so established, the ferry keeper or ferry keepers of the same, shall be confined to it ; and it shall not be lawful for him or them, at any time, to take in any passengers, carriages, waggons or loading of any kind, nearer than the said one and a half miles from any other ferry ; and if any person or persons, shall be guilty of a violation of this act, or guilty of ferrying from the lands of any other person,*

He or they, shall be subject to a fine of twenty dollars for each offence, to be recovered by any person suing for the same, before any justice of the peace for the county in which said ferry may be established. Penalty how recovered.

Sec. 3. When any person shall desire to pray an appeal from any decision given against him or them, by virtue of this act, or by virtue of an act entitled "an act to reduce into one the several acts respecting the establishment of ferries," passed at the November session, 1796, it shall be lawful for him or them to take an appeal to the circuit court held in the county where said ferry may be established, upon his entering into bond and security, as is required on appeals taken from the decisions of justices of the peace: *Provided*, the same be prayed within twenty days after such decision.

Appeals may be granted

CHAP. DLXIX.

An ACT directing the mode of choosing Electors to vote for a President and Vice President of the United States.

Approved February, 14, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That this state shall be divided into three districts, for the purpose of electing twelve electors to choose a president and vice president of the United States in the following manner, to wit: The first district shall be composed of the counties of Adair, Breckinridge, Butler, Christian, Trigg, Todd, Caldwell, Cumberland, Monroe, Grayson, Green, Hardin, Hopkins, Henderson, Livingston, Logan, Barren, Muhlenburg, Ohio, Daviess, Pulaski, Union, Warren, Allen, Simpson, Wayne and Hart.

State laid off into 3 districts

Twelve electors.

First district.

Sec. 2. The second district shall be composed of the counties of Washington, Bullitt, Jefferson, Shelby, Henry, Gallatin, Franklin, Owen, Nelson, Mercer, Casey, Lincoln, Garrard, Rockcas-

Second district

the, Harlan, Knox, Whitley, Clay, Madison and Estill:

Third district: Sec. 3. The third district shall be composed of the counties of Floyd, Greenup, Lewis, Fleming, Bath, Montgomery, Clarke, Bourbon, Nicholas, Mason, Bracken, Harrison, Pendleton, Campbell, Boone, Scott, Fayette, Woodford, Grant and Jessamine.

Voters to meet at their court-houses. Sec. 4. *Be it further enacted,* That the qualified voters in this commonwealth, shall meet at their respective court-houses, or places appointed by law for holding elections in their respective precincts within each county, on the second Monday in November next, and vote for four fit persons, who shall be residents of the districts, as electors, to vote for a president and vice president of the United States. The same rules and regulations shall be observed by the several sheriffs, clerks, judges and voters, as is provided by law in electing members to the general assembly.

When.

Same regulations to be observed as in other elections.

Sheriffs holding elections at precincts to meet at their court-houses. Sec. 5. That the several sheriffs holding elections in any election precinct, shall meet at their respective court-houses on the fifth day inclusive after the commencement of the election, and there make faithful addition of the number of votes taken in their counties; and the sheriff in each county, shall, on the tenth day inclusive after the commencement of the election, meet as follows,

Sheriffs of several districts when & where to meet. viz: those in the first district at the court-house in Barren; those in the second, at the court-house in Mercer; those in the third, at the court-house in Bourbon; and then and there compare the polls of the respective districts, in the same manner, and under the same regulations, and in case of failure, subject to the same penalties which are prescribed by law in electing members to congress; and shall certify under their hands and seals, the persons elected in their several districts.

To give certificates. And it shall be the duty of the sheriff of the county where the polls are compared, to transmit such certificates of election, to the secretary of state within six days after the meeting of such sheriffs, under the penalty of two thousand dollars, to be collected by motion in any court hav-

Transmit same to secretary.

ing cognizance of the same, ten days' previous notice having been given ; and the secretary on the receipt of such certificate, shall cause the names of those persons so elected, to be published in the paper of the public printer.

Secretary to publish persons elected.

Sec. 6. That the electors, so elected, shall meet at the state-house in the town of Frankfort, on the first Wednesday in December thereafter, and there vote for a president and vice president of the United States, and make return thereof agreeably to the law of the United States, in that case made and provided. And the sheriffs for attending and comparing the polls under this act, shall be entitled to the same allowance, and paid in the same manner, as for attending and comparing the polls for members of congress ; and each elector shall be allowed two dollars for every twenty-five miles he shall necessarily travel, and two dollars per day while attending in Frankfort as an elector, for which the auditor is hereby directed to issue his warrant on the treasury.

Electors—where to meet and vote.

Sheriffs' pay.

Electors' pay.

How paid.

Sec. 7. That the sheriff of any county in which any person chosen as an elector, shall reside, shall give such elector or electors notice in writing of his being elected within ten days from the day of comparing the polls, and on failure, shall be subject to be fined one thousand dollars, by any circuit court in this commonwealth, ten days' previous notice being given that a motion would be made.

Sheriffs to give electors notice of their election.

Penalty.

CHAP. DLXX.

An ACT providing for the appointment of Commonwealth's Attornies.

Approved February 12, 1820.

Sec. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed by the governor of this commonwealth, by and with the advice and consent of the senate, a proper person resident within the bounds of each judicial district in this commonwealth as attorney for the commonwealth in such

An attorney to be appointed in each judicial district.

His duties.

district, who shall continue in office during good behavior, and attend to the several circuit courts within this district, and prosecute all pleas of the commonwealth arising therein, and shall annually receive for their services the sum of four hundred dollars per annum, to be paid out of the public treasury upon a warrant from the auditor as in other cases.

Compensation,
and how paid.

Court may ap-
point attorneys
pro tem.

Shall certify
their allow-
ance, which
shall be paid.

Salary to com-
mence with 1st
term of their
circuit.

Sec. 2. That it shall be the duty of the several circuit courts in this commonwealth, if the district attorney shall fail to attend any circuit court within his district, to appoint *pro tem.* some fit attorney to prosecute for the commonwealth during the absence of such district attorney, and such circuit court shall certify in whose room such services were rendered, and the amount of allowance, and what deduction is to be made from the annual salary of such absent attorney; and the attorney *pro tem.* may produce to the auditor at any time before the annual salary of such attorney shall become due, such certificate of the court as aforesaid; and the auditor shall issue to the holder of such certificate, upon the delivery thereof, a warrant upon the treasury for such amount, which shall be paid accordingly; and the auditor shall note such deduction, and when application is made for the annual salary of such absent attorney, the auditor shall only issue a warrant for the amount of the sum remaining, after deducting the sum certified by the court as aforesaid. The annual salary of the attorneys appointed under this act, shall commence with the first term of the first circuit court in the districts respectively, for which they shall have been appointed, any law to the contrary notwithstanding.

Act to contin-
ue two years.

Sec. 3. *Be it further enacted,* That this act shall remain in force for the term of two years from and after its passage.

CHAP. DLXXI.

An ACT to incorporate the Union circulating and Fredericksburg Social Library Companies.

Approved February 12, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Fletcher, A. Silven, Edward Willett, Joshua Wilson, Peyton Mitchell, Henry F. Delaney, Hugh M'Ray, Joshua Davis and James Tanan-sance, be, and they are hereby constituted a corporation and body politic in law and in fact, under the name and style of the directors of the Union Circulating Library Company.

Names of persons incorporated in Union.

Style, &c.

Sec. 2. *Be it further enacted*, That the said corporation may purchase, receive by grant, or otherwise, and hold, books, maps, charts and all other apparatus appertaining to literature, and every other species of property, and may grant, sell and dispose of the same at pleasure, for the use and benefit of the company; and may, by their corporate name, sue and be sued, plead and be impleaded, in any court of law or equity in this commonwealth.

May purchase and sell property.

Sue and be sued.

Sec. 3. *Be it further enacted*, That the said corporation shall have power to make, have and use a common seal, and to alter, break or annul the same at pleasure.

Have a common seal.

Sec. 4. *Be it further enacted*, That the said corporation shall have power to make all by-laws, rules and regulations, that shall be necessary for the management of the affairs of said company; which shall be valid when not inconsistent with the laws of this commonwealth.

Make by-laws, &c.

Sec. 5. *Be it further enacted*, That the directors and other officers of said corporation, may be appointed or removed from office at pleasure, by a majority of shareholders of said company, upon due notice given according to the by-laws of said corporation.

Shareholders may remove their officers upon notice.

Sec. 6. *Be it further enacted*, That the directors of said corporation may choose one of their own body to preside, and shall have power to levy such contribution upon the shareholders as may be necessary; *Provided*, that it shall not exceed

Directors may levy contributions on shareholders.

one fifth of the value of the stock held by such shareholder.

Books belonging to the company vested in this corporation.

Sec. 7. *Be it further enacted*, That all and singular the books, goods and chattels which may, or shall in any wise belong to the said company, or any person for the use thereof, shall be vested in the said corporation, to be used and disposed of in any manner for the benefit of said corporation.

Directors may appoint secretary, treasurer and librarian.

Sec. 8. *Be it further enacted*, That the directors shall have power to appoint a secretary, librarian and treasurer, and cause the same to keep [in] suitable books for that purpose, just and proper entries of all proceedings, therein to be made, all and singular which books, money or other things remaining in the hands of the said secretary, librarian and treasurer, belonging to said company, they shall deliver over to their successors in office whenever required.

Their duties.

First election of directors.

Sec. 9. *Be it further enacted*, That the first election of directors by the shareholders of said company, by virtue of this act, shall be held on the first Monday in April next, and on the same day in every year thereafter, which elections shall be holden at the court-house of Union county.

To hold their offices one year.

Sec. 10. *Be it further enacted*, That the directors for the time being, shall hold their office till their successors shall be elected; and the said directors shall have power to fill vacancies that may happen in their own body, by death, resignation or otherwise.

Number of directors to be elected.

Sec. 11. *Be it further enacted*, That the shareholders shall be entitled to elect nine directors, until the number of shares sold shall amount to two hundred, after which time they shall be entitled to elect eleven directors. A majority of the said directors shall at all times form a quorum to do business.

No person entitled to more than 5 votes.

Sec. 12. *Be it further enacted*, That no person shall be entitled to more than five votes, and the shareholders shall be entitled to one vote for each share not exceeding five,

Mode of transfer and relinquishment of shares.

Sec. 13. *Be it further enacted*, That each shareholder shall be at liberty, at all times, to transfer or relinquish his share or shares, and shall for-

ever thereafter be released from all further contribution on account thereof: *Provided however*, that said corporation shall not possess any banking powers whatever. Banking powers prohibited

Sec. 14. *Be it further enacted*, That Henry Yates, Jaba Moore, Joseph Ward, Edward B. Elley, Andrew Ross, Twyan Craig, and Samuel Ross, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Fredericksburg Social Library Company; and by that name and style shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure. Names of persons incorporated in Cal-
latin.

Style, &c.

To have a com-
mon seal.

Sec. 15. *Be it further enacted*, That the said corporation may purchase or receive by grant or otherwise, and hold, books, maps, charts, and all apparatus appertaining to literature, and every species of property, whatever, and may grant, sell and dispose of the same at pleasure, for the use and benefit of the said company; and may in their corporate capacity, and by the name aforesaid, sue and be sued, plead and be impleaded, in any court of law or equity in this commonwealth. May purchase
and sell prop-
erty.

May sue and
be sued.

Sec. 16. *Be it further enacted*, That the said corporation shall have power to make all by-laws, rules and regulations that may be necessary for the management of the affairs of said company, which shall be valid if not contrary to the constitution and laws of this commonwealth. Make by-laws,
&c.

Sec. 17. *Be it further enacted*, That the directors of said corporation, and other officers thereof, may be appointed or removed from office at pleasure, by a majority of the shareholders in said company, upon due notice given according to the by-laws of said corporation. Directors and
officers may be
elected or re-
moved from of-
fice by share-
holders.

Sec. 18. *Be it further enacted*. That the directors of said corporation, may choose one of their own body to preside; and shall have power to levy such contribution upon the shareholders, as may be necessary: *Provided*, that it shall not exceed one fifth of the value of the stock held by such shareholder. Directors may
levy contribu-
tions on shares

Right of property vested in the corporation. Sec. 19. *Be it further enacted,* That the books, goods and chattels, and other property of the said corporation, or any person for their use, shall be vested in said corporation, to be used and disposed of in any manner whatever, for the benefit of said corporation.

Directors may appoint secretary, treasurer and librarian. Sec. 20. *Be it further enacted,* That the directors of said corporation shall have power to appoint a secretary, librarian and treasurer, and cause the same to keep suitable books for that purpose, and cause just and proper entries of all proceedings therein to be made ; all which books, money or other things remaining in the hands of said secretary, librarian and treasurer, belonging to the said company, they shall deliver over to their successors in office whenever required.

Their duties,

Directors to be elected annually in April. Sec. 21. *Be it further enacted,* That the first election of the directors of said company, shall be held by the shareholders of said company, by virtue of this act, on the first Monday in April next, and on the same day in every year thereafter ; which election shall be held in the town of Fredericksburg, at any house in said town : *Provided,* that ten days' previous notice thereof be given by order of the directors of said corporation.

Notice to be given of election.

To remain in office until their successors are elected Sec. 22. *Be it further enacted,* That the directors appointed by this act, shall remain in office until their successors shall be duly elected ; and the said directors shall have power to fill vacancies that may happen, by death, resignation or otherwise.

Vacancies filled.

Number of directors to be elected. Sec. 23. *Be it further enacted,* That the shareholders shall be entitled to elect nine directors, until the number of shareholders shall amount to two hundred, after which time they shall be entitled to elect eleven directors, a majority of whom shall at all times form a quorum to do business.

Number of votes to which shareholders are entitled. Sec. 24. *Be it further enacted,* That no shareholder shall be entitled to more than five votes, and each shareholder shall be entitled to one vote for each share not exceeding five ; and each shareholder shall be at liberty at all times to transfer or relinquish his, her or their share or

Transfers and

shares in said library, and shall forever thereafter be released from all further contribution on account thereof: *And provided always*, that this act shall not be so construed as to invest said corporation with banking powers.

relinquish-
ments of shares
how made.
Banking pow-
ers prohibited

CHAP. DLXXII.

An ACT to alter the time of holding certain Courts.

Approved February 14, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for the county of Logan, shall hereafter commence on the first Mondays in May, August and November, and continue twelve juridical days at each term, if the business require it.

Logan Circuit
court, to sit on
the 1st Mon-
days in May,
August & No-
vember. Con-
tinue 12 days.

Sec. 2. The circuit court for Butler county, shall hereafter commence on the fourth Mondays in May, August and November, and continue six juridical days at each term, if the business require it.

Butler, the 4th
Mondays and
sit six days.

Sec. 3. The circuit court for the county of Jefferson, directed by law to commence on the fourth Monday in April, shall hereafter in this and every succeeding year, commence on the third Monday in April, and continue twenty-four juridical days, if the business require it; and the judge of the fifth judicial district, shall hereafter in this and every succeeding year, hold a court in the said county of Jefferson for the trial of suits in chancery, to commence on the third Monday in May, and shall continue eighteen juridical days, if the business require it.

April term of
Jefferson Cir-
cuit court, to
commence on
the 3d Mon-
day, and sit 24
days.

To hold a
chancery term
in May, annual-
ly.

Sec. 4. The Nicholas circuit court shall hereafter be held on the first Mondays in the months of April, July and October, and shall sit twelve juridical days, if the business thereof shall require it; and the county courts of said county, shall be held on the fourth Mondays in each month, except the months in which the circuit courts are directed to be held by this act.

Time of hold-
ing the Nicho-
las Circuit
court,

And County
courts.

Sec. 5. All recognizances, writs, summonses and other process, at present returnable thereto, shall

Recognizances
writs, process

Sec. made re- be taken and held to be returnable to said courts
turnable to as directed to be held by this act, and shall be as
said terms, as legal and valid as if this act had not passed.
altered.

CHAP. DLXXIII.

An ACT supplemental to an act to fix the Ratio and apportion the Representation among the several Counties in this Commonwealth for the ensuing four years.

Approved February 12, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the counties of Lincoln and Rockcastle, shall be entitled to two representatives for the ensuing four years, and the county of Whitley [to] one, any law to the contrary notwithstanding.

Lincoln and
Rockcastle to
have 2 repre-
sentatives.
Whitley, one.

CHAP. DLXXIV.

An ACT directing certain Surveyors to transcribe certain Entry Books.

Approved February 12, 1820.

Preamble. WHEREAS it will be of great public convenience as well as safety, that the books containing the original entries of all lands entered in this commonwealth under the laws of Virginia, should be deposited in the register's office: Wherefore,

Surveyors of Fayette, Jefferson, Nelson, Bourbon, Mason, Lincoln, Mercer, Madison and Woodford, to copy entry books.
Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the surveyors of the counties of Fayette, Jefferson, Nelson, Bourbon, Mason, Lincoln, Mercer, Madison and Woodford, on or before the first day of October next, to make out full, true and perfect copies of all the original entries of land in the books of their offices respectively, in well bound books to be provided for that purpose.

Sec. 2. *Be it further enacted,* That the county courts of the counties of Fayette, Jefferson, Nel-

son, Bourbon, Mason, Lincoln, Mercer, Madison and Woodford, respectively, shall, on or before the first day of September next, appoint two fit persons, who shall, with the surveyor of their county respectively, carefully examine and compare the copies thus made out with the originals ; and if they find them correct, it shall be their duty to certify under their respective hands and seals, that they have carefully examined and compared the entries contained within each book, with the original, and that the same contains [a] full, true and perfect transcript of the entries of which they purport to be copies ; and they shall each be entitled to receive two dollars per day, for each day they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the surveyors respectively.

Copies to be compared by comm'rs. appointed by county courts.

Their duty.

Compensation.

Sec. 3. *Be it further enacted*, That it shall be the duty of the surveyors of the several counties herein before specified, to deposit with the register of the land office, on or before the first day of November next, all books containing original entries, with alphabets, if any, then in his office, and to take from the register his receipt therefor.

The original books to be deposited in the registers office

Sec. 4. *Be it further enacted*, That after the original entry books shall be so deposited in the office of the register, it shall be lawful for the surveyors herein before specified and their successors in office, to give copies from the copies taken by them respectively under this act, which copies, so to be given, shall have the same effect in all courts and elsewhere, that copies of original entries made out by them respectively, are now entitled to.

Surveyors may give copies from copies.

Sec. 5. *Be it further enacted*, That the surveyors of the several counties herein designated respectively, shall be entitled to five cents for every entry by them respectively transcribed, together with the costs of the book or books in which they are inserted ; and the auditor of public accounts is hereby directed, upon the said surveyors respectively producing to him their account verified on oath before some justice of the peace, setting forth the number of entries by them transcribed,

Pay to said surveyors.

and of the cost of the book or books in which they are inserted, and also produce the register's receipt for the original entry books, to issue his warrant on the treasurer for the amount thereof, which shall be paid out of any money in the treasury.

Penalty for failing to comply with this act.

Sec. 6. *Be it further enacted*, That if any of the said surveyors, shall omit or refuse to perform the duties prescribed by this act, it shall be deemed a misdemeanor in-office, for which he shall be liable to impeachment and removal from office ; and it shall moreover, be the duty of the attorney general to proceed against such surveyor in the general court by *mandamus*, until a compliance of this act be enforced.

CHAP. DLXXV.

An ACT to provide for perpetuating the evidence of the Records of Justices of the Peace, which may be destroyed by accident.

Approved February 12, 1820.

The justice to receive evidence of records of his judgments destroyed & render other judgments.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the records of a justice of the peace may be destroyed by fire or any other casualty or accident whatever, it shall be lawful for the justice of the peace whose records have been so destroyed, to collect evidence concerning all judgments which he may have rendered, and which have not been satisfied by execution or otherwise, and upon obtaining satisfactory evidence of the amount of such unsatisfied judgments, it shall be the duty of the justice of the peace to render judgment for the said amount in a new record book to be provided by such justice for that purpose : *Provided however*, no such judgment shall be rendered against any person or persons, until they have been summoned to appear before such justice of the peace to shew cause, if any they can, why such judgment shall not be rendered ; and if any good cause can be shewn, why such judgment should not be rendered, the justice of the peace shall render judg-

Defendant to be summoned.

ment for the costs incurred in favor of the person or persons so summoned, against the person or persons in whose favor such summons may issue : *And provided also*, that appeals may be taken from the judgment of a justice of the peace acting under the provisions of this act, as in other cases ; and the justice of the peace rendering judgment under this act, shall in all cases make a note opposite the judgment in the margin of his record, stating that the same was entered in consideration of a judgment destroyed by accident.

Appeals may be taken.

To note in the 2d judgment that the record was destroyed.

Sec. 2. *Be it further enacted*, That it shall be the duty of each justice of the peace, who may have been, or shall hereafter be commissioned for any county, and who may have been, or shall hereafter be included within the bounds of a new county established in part or entirely out of the county for which he was commissioned, to issue executions on all judgments rendered by him previous to the establishment of the new county, at any time subsequent to the erection of such new county, and to do and perform every other legal act and thing necessary to carry such judgment into full effect.

Justices of the peace included in new counties to issue executions on judgments rendered by them before such division.

CHAP. DLXXVI.

An ACT to revive and continue in force an act authorising Jeremiah Buckley to build a Bridge across Kentucky River.

Approved February 14, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to authorise Jeremiah Buckley to build a bridge across Kentucky River, approved January 31, 1816," be, and the same is hereby revived and continued in force in the same manner as if said bridge had been built according to the terms of said act : *Provided*, said bridge be completed within seven years from and after the first day of April next.

Allowed seven years.

CHAP. DLXXVII.

An ACT for the relief of Littleton Robinson, late sheriff of Harrison county, and his securities.

Approved February 14, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Littleton Robinson, late sheriff of Harrison county and his securities, shall not be compelled to pay the eighteen per cent. damages which was adjudged against them in the general court, in favour of the commonwealth, for his failure to pay into the treasury the revenue of said county for the year 1817, collected in 1818 : Provided, they pay into the treasury within six months from the passage of this act, the revenue of said year, together with legal interest and costs thereon.

Damages re-
mitted upon
their paying
the principal.

CHAP. DLXXVIII.

An ACT to amend an act for the benefit of Peter Sibert.

Approved February 14, 1820.

WHEREAS it is represented to this legislature, that Peter Sibert owns a mill dam across the Beech fork of Salt river, with a good, safe and sufficient slope, over which loaded boats can pass with safety, whenever the river is navigable below ; and as said Sibert is bound to give bond and security in a heavy penalty, conditioned to pay all damages sustained, with other severe restrictions from which other mill owners on said stream, much more wealthy than himself, are exempt : Therefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act for the relief of Peter Sibert, approved February 4, 1817, as requires the said Sibert to enter into bond with good security, in the penalty of five thousand dollars, to be approved by the Nelson county court, conditioned to pay all damages sustained by the navigator, owing to the erection of said mill dam, be, and the same is hereby repealed.*

Part of former
act repealed.

Sec. 2. When a jury summoned by the sheriff of Washington county at the direction of the Washington county court, after having taken the necessary oath, shall say in their verdict that said dam obstructs the navigation, said Sibert shall, within ninety days thereafter, remove said obstruction, and pay all damages sustained therefrom, which may be recovered before any justice of the peace, or circuit court having jurisdiction of the same.

Jury to be empannelled to ascertain whether the dam obstructs the navigation.

To pay all damages which may accrue.

CHAP. DLXXIX.

An ACT to establish an inspection at Marion, in Gallatin county.

Approved February 14, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That an inspection of Tobacco, Pork, Hemp and Flour, shall be, and the same is hereby established at the warehouse now erected on the Kentucky river, at the town of Marion in Gallatin county; and the court of said county shall proceed to appoint inspectors thereto, and be governed in all respects by the laws in force concerning inspections in this commonwealth.

CHAP. DLXXX.

An ACT for the benefit of the heirs of William Duncan.

Approved February 14, 1820.

WHEREAS it is represented to the present general assembly, that the interest of the heirs of William Duncan deceased, requires the sale of the mill and tract of land of which he died possessed, situate in the county of Fleming: Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That David Henderson and James Campbell, be, and they are appointed commissioners, with full power and

Recital

Commissioners appointed to sell and convey lands.

authority, to sell and convey the said mill and tract of land, or the mill and such portion of the land as they may think proper, and on such credit as in their opinion will best comport with the interest of the heirs of the said William Duncan deceased.

Sec. 2. The said commissioners have power and authority, and are hereby required to invest the proceeds of such sale in other good lands, in the names, and for the benefit of said heirs; reserving and securing to Elizabeth Duncan, widow of the said William Duncan deceased, the one third of such land so to be purchased, during her life, in lieu of her dower in and to the mill and land so sold: *Provided however*, that the said commissioners, before they proceed to sell the said mill and land, shall execute bond with approved security, in the penalty of ten thousand dollars, in the county court of Fleming conditioned for the due and faithful execution of the powers and trusts to them herein confided.

Proceeds how
to be invested.

Commr's: be-
fore they act to
give bond.

CHAP. DLXXXI.

An ACT for the relief of the sheriff of Washington county.

Approved February 14, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the auditor of public accounts, to receive the delinquent list of the sheriff of Washington county, or his deputy, as allowed by the county court of Washington county in the year one thousand eight hundred and nineteen, and give said sheriff or deputy credit for the amount of said delinquent list, as if he had returned it in time agreeable to the now existing laws, and certified by the clerk of Washington county, as allowed by said county court.

Auditor to re-
ceive a delin-
quent list.

CHAP. DLXXXII.

An ACT for the benefit of the heirs of James Chism.

Approved February 14, 1820.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That three commissioners, or any two of them that may hereafter be appointed by the county court of Barren, which court is hereby authorised to make such appointment, shall be invested with full power and authority, to sell and convey the tract of land in said county, supposed to contain about two hundred acres, on which the widow and family of said James Chism deceased, now reside, and the money arising from such sale, to be applied to the payment of the instalments due on lands purchased by said James in his lifetime, in the territory of Missouri.

Commrs. to
sell and con-
vey lands.Proceeds how
to be invested.

Sec. 2. Before the commissioners appointed as above, shall act in the premises, they shall give bond and security to the heirs of said Chism, to be approved of by the said county court, with such penalty and conditions as may be directed by said court, for the faithful performance of the powers given by this act, and the just application of the funds arising from the sale of said lands ; said court may make a suitable allowance to said commissioners for their expense and trouble.

Commrs. to
give bond be-
fore they act.

CHAP. DLXXXIII.

An ACT for the benefit of Colby Shipp, Richard Ridgely, William Wood, Samuel Davis, and Aaron Vanhorn.

Approved February 14, 1820.

WHEREAS it appears to this General Assembly, that a survey was made on the 28th day of February 1798, for Colby Shipp, Richard Ridgely, William Wood, Samuel Davis and Aaron Vanhorn, for 10,207½ acres of land, on an entry made in their names, by virtue of a Virginia land office treasury warrant on the first day of May

Recital.

1788, which said survey was returned to the register's office and registered therein on the first day of August 1799; and through some omission or mistake, a patent has not issued therefor, although a paper purporting to be a patent, signed by James Garrard, a former governor of this commonwealth, omitting the names of the grantees, and without date, is filed in the register's office; and that from the lapse of time, and the scattered situation of said persons in whose names and rights said entry and survey were made, it is impracticable to obtain the necessary oaths required by an act of assembly passed on the 10th day of February 1816: For remedy whereof,

Register to issue a patent.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be authorised, and he is hereby directed to issue a patent pursuant to said recited survey, to the before named Colby Shipp, Richard Ridgely, William Wood, Samuel Davis, and Aaron Vanhorn, any law to the contrary notwithstanding.

CHAP. DLXXXIV.

An ACT to authorise certain advertisements to be inserted in the People's Friend, printed in Glasgow, and the Backwoodsman, printed in Bowling Green.

Approved February 14, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all advertisements that are not exclusively directed by law to be inserted in the newspaper edited by the public printer, may be inserted in the newspaper printed in the town of Glasgow under the name of the "People's Friend," and the newspaper entitled the "Backwoodsman," in Bowling Green, under the same rules and regulations which govern other newspapers authorised to insert advertisements; and all advertisements inserted in the said newspapers, shall have the same validity and effect, when certified by the

editors, as if the same had been inserted in any newspaper in this commonwealth.

CHAP. DLXXXV.

An ACT to provide for the sale of a part of the Public Ground in Georgetown.

Approved February 14, 1820.

WHEREAS it is represented to the present general assembly, that it would be of considerable advantage to the citizens of Georgetown, to dispose of a part of the public ground in said town: Wherefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Scott county, a majority of all its justices concurring, are hereby vested with full power to sell a part of the public ground in said town, (and to place the proceeds in the hands of the trustees of the Rittenhouse Academy, to be appropriated by them in the most beneficial way, for the promotion of said institution,) beginning on main cross street at the south end of James H. Mahoney's brick building; thence east to the eastern corner of his lot; thence north five feet; thence east to the eastern boundary of said public ground; thence north to the present north east corner, and to continue with the present metes and bounds to the beginning.

What part of public ground to be sold, and how proceeds appropriated.

Sec. 2. That Elijah Craig, Job Stevenson and John T. Johnson, be, and they are hereby appointed commissioners, under the direction of said court, to lay off in convenient lots, and to advertise in the Georgetown Patriot, at least three weeks, and to sell at a credit of one and two years, that part of said public ground above described, taking bond with good and sufficient security from the purchaser or purchasers; and when the money is collected to pay the same over to the trustees of the Rittenhouse academy for the purpose aforesaid.

Commr's.

Notice of sale, and on credit.

Trustees to
keep open an
alley.

Sec. 3. The trustees of the town of Georgetown shall keep open an alley of convenient width between the lots so sold and the public ground.

CHAP. DLXXXVI.

An ACT to amend an act for appropriating the Vacant Lands.

Approved February 14, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, any person except aliens may acquire title to so much waste and unappropriated land as he or she may desire to purchase, on paying the consideration of fifteen dollars for every hundred acres, and so in proportion for a greater or smaller quantity, to acquire title under the same rules and regulations of the above recited act, to which this is an amendment: Provided however, that no survey shall be made in the purchase west of the Tennessee river, nor for a less quantity than fifty acres, except the same be bounded all round by prior existing claims.

Price reduced.

Proviso.

CHAP. DLXXXVII.

An ACT establishing an inspection of Beef and Pork at Oliver C. Porter's Warehouse in Butler County.

Approved February 14, 1820.

WHEREAS it is represented to the present general assembly, that large quantities of beef and pork are annually shipped from Morgantown, Butler county: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an inspection of beef and pork be, and the same is hereby established on the land of Oliver C. Porter, and at said Porter's warehouse on Green river, near Morgantown, to be known by the name of O. C.*

An inspection
of beef & pork
established at
O. C. Porter's
warehouse.

Porter's Inspection ; and the county court of Butler, shall, as soon practicable after the passage of this act, appoint two fit persons in said county inspectors of beef and pork, whose duty it shall be to attend immediately, on the application of any person wishing to have his or her beef or pork inspected at said warehouse, and discharge the duties of an inspector without delay, one of which may act, first having taken the following oath or affirmation before some justice of the peace for said county, " I, A. B. do solemnly swear or affirm (as the case may be) that I will well and truly to the best of my skill and judgment, execute the office of an inspector of beef and pork at Oliver C. Porter's warehouse, and that I will neither be governed by favor, affection or partiality in the discharge of the duties enjoined on me by law : So help me God."

Inspectors to be appointed

Their oath.

Sec. 2. *Be it further enacted*, That each barrel of beef or pork, which they or either of them may inspect, it shall be their duty to see that the same is sound, well picked and packed, and that there is a sufficient quantity of salt to preserve the same.

Duty of inspectors.

Sec. 3. *Be it further enacted*, That each barrel shall be made of good, seasoned, white-oak timber, strong and tight, and bound with at least fourteen good, strong hoops, and shall contain at least two hundred weight of net beef or pork, to be classed as follows : That good beef, free of shanks and necks, shall be denominated mess beef, and barrels containing an equal quantity of each quarter, shall be denominated prime beef ; that every barrel of pork consisting of an equal quantity of all the quarters, shall be denominated prime pork ; that barrels consisting of best pieces of good pork, free of heads and feet, shall be denominated mess pork. It shall be the duty of the inspector or inspectors, to brand each barrel in at least two places, one on the head and the other on the side, with the words beef or pork, mess or prime, as the case may be.

The barrel described,

Beef classed.

Pork classed.

Barrel to be branded.

Sec. 4. *Be it further enacted*, That the inspectors may charge and receive for each barrel of beef or pork, which he or they may inspect, the

Inspectors' fees.

sum of thirty-seven and one half cents, whose duty it shall be to give the owner a certificate, setting forth the quality of the beef or pork as marked on the barrel.

Penalty on inspectors failing to perform their duty. Sec. 5. *Be it further enacted*, That if any inspector or inspectors, so appointed, who shall have qualified as this act directs, shall neglect or refuse to perform the duties enjoined on him by this act, or who shall have marked or branded any barrel of beef or pork, not having first examined and inspected the same, shall for each and every offence, forfeit and pay the sum of twenty-five dollars, to be recovered before any justice of the peace for said county, one half for the use of the county towards lessening the county levy, and the other half to the informer.

Vacancies filled. Sec. 6. *Be it further enacted*, That when any vacancy may happen by death, resignation or removal, the same shall be filled by an appointment of the county court of Butler.

CHAP. DLXXXVIII.

An ACT for the benefit of the Heirs and Administrators of Paschal Hickman.

Approved February 14, 1820.

Recital. WHEREAS it is represented to the present general assembly, that Paschal Hickman, a captain in the late war, who gloriously fell on the plains of Raisin in defence of his country, was at the time of his death, and long before, a deputy sheriff of Franklin county; and at the time of his death aforesaid, was possessed of a large amount in fee bills for services by him rendered, which fee bills were overlooked, and have lately come to the possession of his administrator and administratrix: In order, therefore, that they may enjoy the benefit of his services,

May list fee bills for collection. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the widow of said Hickman, or his administrators, to cause the said fee bills to be put into the hands of an officer for collection, taking

his receipt therefor ; and it shall be the duty of any such officer receiving such fee bills, to collect and account for the same in the same manner as if said fee bills had been put into his hands within the two years, allowed by law after said services were rendered ; and the officer shall have the same power to levy and distrain for said fees as he now has in the collection of other officers' fee bills of the like nature, reserving however, to the persons the same defence that they now have by law against fee bills which might be issued in the name of deceased officers by their administrators or principals.

May be distrained for.

Proviso.

CHAP. DLXXXIX.

An ACT for the relief of Insolvent Debtors.

Approved February 14, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person now is, or hereafter may be taken or charged in execution, it shall be lawful for such person to give notice and apply to two justices of the peace, deliver in a schedule of his estate and effects, and take the oath of an insolvent debtor, at any time after arrest, in the same manner, and under the like rules and regulations, and with the same effect and consequences, as if such person, according to the existing law, had remained in the prison bounds or jail, for the space of twenty days.

May take oath as soon as arrested.

Sec. 2. It shall be lawful for the plaintiff or plaintiffs in such execution, to sue out from time to time, writs of *fi. fa.* against the estate of the defendant without *scire facias* or other process, notwithstanding the defendant may have taken the oath of an insolvent debtor ; and under such execution, any estate now subject by law to execution, which such debtor had at the time he took such oath, or may thereafter acquire, may be taken in execution, and sold as in other cases.

May afterwards sue out a fi. fa. without a sci. fa.

Sec. 3. The prison bounds in each county, shall hereafter be deemed and considered to extend to

Prison bounds extended to

limits of the
county towns.

the limits of each county town in this common-wealth.

A case not to
issue against a
female.

Sec. 4. That from and after the first day of May next, no execution of *capias ad satisfaciendum*, shall issue against a female; and in cases where a judgment or decree shall have been, or may hereafter be rendered jointly against male and female parties, it shall be lawful for a *capias ad satisfaciendum* to issue against the male defendant or defendants as heretofore, omitting the female defendant or defendants: But nothing herein contained, shall be construed to impair the right of the plaintiff to proceed by *feri facias* or other writ of execution, except a *capias ad satisfaciendum*, as heretofore, against a female defendant.

CHAP. DLXC.

An ACT authorising Justices of the Peace to administer oaths in certain cases.

Approved February 14, 1820.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where an oath or affidavit is required to any bill, answer, plea or notice, before the same can be filed or used in any court of this commonwealth, such oath or affidavit may be made and taken before any justice of the peace, and shall be as effectual as if made or taken before a circuit judge, or in court.

CHAP. DLXCI.

An ACT to appropriate fines and forfeitures for the purpose of promoting Education.

Approved February 14, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all fines and forfeitures which have accrued, or which may hereafter accrue in any court, by virtue of any law of this commonwealth, whether the same be

Fines and for-
feitures to be
paid over to
the several
Seminaries in

directed to be applied towards lessening a county the county
levy, or to be paid into the public treasury, where where they are
such fines and forfeitures shall not have been ac- incurred.
counted for, shall be vested in, and paid over to
the trustees of the several seminaries of learning
established by law, commonly known and repu-
ted as county seminaries in each county; and the
trustees of the Transylvania University, shall be
entitled to such fines and forfeitures in the coun-
ty of Fayette; and the trustees of any college
in any county where there shall be no such sem-
inary, or where the same shall have been by law
erected into a college, shall in like manner be
entitled to receive all such fines and forfeitures,
which shall have accrued in the several counties
wherein such colleges shall be situated.

Sec. 2: That all officers who shall be bound
by law to collect and account for such fines and Officers to pay
forfeitures, shall annually account for, and pay them over.
over to the trustees of said several institutions of
learning in their respective counties, or to any
person by such trustees duly authorised to re-
ceive the same, all fines and forfeitures aforesaid,
collected, or which ought to have been collected
by them; and in case of failure, such officer or of-
ficers, may be proceeded against in all respects, as
such officers are now liable to be proceeded a- Mode of pro-
gainst by any county court, or by the auditor of ceeding if they
public accounts; and any such delinquent officer, fail to do so.
for failing to collect, account for, and pay over
any such fines and forfeitures, on or before the
times now required by law, shall be subject to
pay twenty-five per cent. on the amount so re-
covered against him, unless a less per cent. shall
be awarded by the court rendering such judgment,
under the peculiar circumstances of the case.
Any parts of laws contrary to the provisions of
this act, so far as respects such provisions, shall
be, and are hereby repealed: *Provided however,* Proviso.
that nothing herein contained, shall be so con-
strued as to impair the power of the governor of
this commonwealth to remit any fines or forfeit-
ures.

CHAP. DLXCH.

An ACT providing for bringing suits by, and against Independent Banks.

Approved February 14, 1820.

Preamble.

WHEREAS doubts exist whether those corporations that were created by an act establishing independent banks, approved January 26, 1818, and the act supplemental thereto, that have forfeited their charters by failing to redeem their paper, can recover the debts due them, and are thereby rendered unable to pay the demands against them : For remedy whereof,

Stockholders of banks that have forfeited their charters may appoint com'rs. to manage the concerns.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the stockholders or a majority of them, of such of said banks as may have forfeited their charters by failing to redeem their notes, shall, on or before the first day of May next, proceed to appoint three fit persons as commissioners, to take the management of the concerns of said bank or banks.

If they fail to appoint com'rs a circuit judge may.

Sec. 2. If the stockholders shall fail to appoint commissioners as provided by this act, it shall be lawful for any one stockholder or creditor of said bank or banks, to apply by bill in chancery to the circuit judge who presides in the county where such bank or banks are located ; and if said judge shall be satisfied from the allegations of such bill, sworn to by the applicant, and verified by the affidavit of one or more competent witnesses, that such bank or banks, have failed to redeem their notes in the manner required by law, he shall forthwith appoint three fit persons as commissioners, to take the management of the concerns of such bank or banks, and direct them to take possession of the banking house, books, papers and property of every kind belonging to such institution.

Powers of the com'rs.

Sec. 3. The commissioners appointed under this act, or any two of them, shall have authority in the name of such corporation to collect the debts due to them, and for this purpose may institute any suit or suits in law or equity ; that they may submit matters of controversy to arbitration or compromise them ; and make such ar-

May sue.

Arbitrate.

arrangement as may be deemed most advisable for the final liquidation and adjustment of the affairs of such corporation; that the commissioners appointed by order of court within three months after their appointment, shall meet as aforesaid, and exhibit to the circuit court of said county, a full and correct statement of the condition of such corporation.

To make report.

Sec. 4. Said commissioners shall receive for their services, such compensation as the said circuit court may think proper to allow.

Compensation to com'rs.

Sec. 5. The said circuit court shall be authorized to make any order or decree, touching the affairs of such corporations, as may be just and equitable, and for this purpose are hereby invested with full power to take jurisdiction of all cases that may relate thereto, subject to an appeal or writ of error as in other civil cases.

Court may order or decree touching the affairs of the bank.

Sec. 6. So much of the above recited act, and the supplement thereto, as gives authority to said corporations to sue at law or in equity, shall be, and is hereby revived to continue in force for three years from the passage of this act; and it shall be no defence to any suit instituted by the president and directors of said corporations, or by the said commissioners, that said corporations have not gone into operation agreeable to the above recited acts; that the holding of the note by the commissioners or corporations, shall be evidence of its having been discounted, unless the defendant or defendants, shall prove to the contrary.

Corporate powers to sue extended.

Plea that they did not go into operation agreeably to their charters, not good. Their holding a note evidence of its having been discounted.

Sec. 7. The commissioners aforesaid, shall have power to buy, receive titles to, and hold any property either real or personal in trust as aforesaid for the said corporation, who shall as soon as may be, sell, dispose of, and convey the same to any person or persons purchasing the same, and apply the proceeds to the discharge of the claims against said corporations.

Comm'rs. may receive real estate—

And dispose thereof to pay debts.

Sec. 8. No suit shall be brought against such of said corporations as may appoint commissioners in pursuance of the provisions of this act, until one year after the passage of this act.

No suit to be brought ag'nst them for one year.

May procure
change of ven-
ue.

Sec. 9. Said commissioners shall be author-
ised to procure a change of venue under the rules
and regulations prescribed by law in other civil
cases.

All suits to be
proceeded in
as though they
had not for-
feited their
charters.

Sec. 10. The suits now pending by the presi-
dent, directors and company of any of said cor-
porations, against any person or persons indebt-
ed thereto, and all suits against said corpora-
tions, shall be proceeded in in the same manner
as if they had not forfeited their charters: *Pro-
vided however*, that the notes of each bank, shall,
at all times, be a lawful set off against a debt
due to such bank, whether the same be due by ac-
count, note, judgment or execution.

Their notes
may be set off
against them.

CHAP. DLXCIII.

*An ACT regulating the interest and recovery on
notes or obligations given to corporations not
created by a law of this state.*

Approved February 14, 1820.

The damages
or interest to
be allowed on
notes payable
at any corpora-
tion not incor-
porated by this
state.

Sec. 1. *Be it enacted by the General Assem-
bly of the Commonwealth of Kentucky*, That here-
after it shall not be lawful for any court or jury,
to allow, upon any note, bill, bond, obligation,
hereafter to be taken or executed, assumpsit or
contract whatsoever, negotiated by, for, or to the
use of, or which was made with, or to, or for, or
expressing to be payable or negotiable at any cor-
poration, or its office or offices, exercising bank-
ing powers within the limits and jurisdiction of
this state, or to any of its officers, agents or
trustees, or to any person who holds any office or
place in any corporation, having an office or of-
fices located, or which may be located within this
state, and not incorporated by the laws of this
commonwealth, a greater interest or damage
than one per centum per annum, and after that
rate for a longer or shorter time.

Not to take a
greater inter-
est than 1 per
cent. all obliga-

Sec 2. *Be it further enacted*, That it shall not
be lawful hereafter, for any such corporation, or
office of such corporation, or any agent or officer
of any such corporation or of any such office, to

take directly or indirectly, upon any loan or forbearance of any money, goods, wares, merchandise, gold and silver bullion, bill, bond, note or commodity whatsoever, a greater rate of interest or discount, than after the rate of one per centum per annum. And all notes, bills, bonds, mortgages, deeds of trust, contracts, negotiations, evidences, or assurances, or security whatsoever, hereafter to be made, had or done, or taken by such corporation or office, or any agent, officer or trustee or trustees of such corporation, or officer or any agent, officer or trustee or trustees of such corporation or its office, or to the use thereof, wherein or whereupon, as the consideration thereof in whole or in part, any greater interest than as aforesaid of one per centum per annum, and so after that rate for a longer or shorter time, shall or may be, agreed for, taken, had or secured, bargained for, allowed or received for, or on account of such loan or forbearance, by and between the maker of such note, bill, bond, mortgage, deed of trust, contract, evidence, assurance or negotiation whatsoever; and such office of discount and deposit, or the agent, trustees or trustee, or officer of any such corporation, or its office, or by any one for, or on their behalf, or to their use, shall be, and the same are hereby declared to be usurious, and absolutely null and void.

tions for a
ter interest
void.

Sec. 3. *Be it further enacted,* That if upon the discount or negotiation of any bond, bill, note, chose in action, obligation, contract, agreement, or security whatever, hereafter to be made within this state, with any corporation or office located, or which may be located within this state, not incorporated by the laws of this commonwealth; (or) any president, director or cashier, agent, officer or officers, servant, trustees or trustee thereof, shall take or receive, agree for directly or indirectly, or bargain for or accept, upon such discount or negotiation, any greater rate of discount, or interest, or damage, or deduction, than after the rate of one per centum per annum, every such note, bill, bond, obligation, chose in action, security, contract or agreement,

Bonds, bills,
&c. not to be
purchased at a
discount, and
if so purchased
declared void.

so discounted or negotiated, shall become vitiated, null and void ; and all parties thereunto as maker, drawer, drawee, endorsee, assignor, obligor or vendor, shall each and every one of them, be henceforth and forever discharged and exonerated from all and every liability and responsibility ; notwithstanding such note, bond, bill, obligation, contract, agreement, security, or chose in action, may have been lawful and valid, before such discount and negotiation by such corporation, office, agent or trustee.

Persons paying greater interest or discount than allowed by this act, may recover it back.

Sec. 4. *Be it further enacted*, That all and every security or securities, made, had, devised or taken to assure any discount, negotiation, lien or agreement, prohibited by the second and third sections of this act, shall be, and the same are hereby declared to be absolutely null and void. And the borrower, negotiator or contractor, trader or dealer with such corporation or office, or its agent, officer or trustee, or the heirs, executors or administrators of such borrower, negotiator, contractor, trader or dealer, may, at any time thereafter, recover back the principal and interest, lands, goods, chattels, tenements, hereditaments, wares, merchandize or choses in action, or the value thereof paid, assigned, transferred or set over to the said corporation or its office, or the officer, agent, trustee or other person acting [in] their behalf.

This act given in evidence under general issue or plead specially.

Sec. 5. *Be it further enacted*, That in all cases of suits by or on behalf of any such corporation, or any of its agents, officers, servants or trustees, it shall, and may be lawful for the defendant or defendants, or any of them, to plead the general issue, without oath or affidavit of the truth of such plea ; and thereupon may give this act and all matters within the purview thereof, in evidence upon the trial ; or the defendant or defendants, or any of them, may, at their election, plead the matters specially ; and moreover, after judgment, may exhibit his or their bill in chancery for relief, and the parties defendants to such bill, shall be compelled, if required by the complainant or complainants, to make discovery of the matters of defence and relief suggested in

such bill, coming within the purview of this act; nor shall the asking of such discovery be any cause of demurrer or objection to such bill.

Sec. 6. *Be it further enacted*, That provided nevertheless, any corporation, not incorporated by the laws of this commonwealth, which has located an office or offices of discount and deposit in this state, shall pay into the treasury of this commonwealth, the sum of fifteen thousand dollars, on or before the first day of April one thousand eight hundred and twenty, and obtain the auditor's receipt for the same; then, and in that case this act shall not operate on such corporation, and shall be no longer in force.

This act not to operate on such corporations as pay a certain amount in treasury.

Sec. 7. *Be it further enacted*, That this act shall not be in force until the fifteenth of March next.

Commencing clause.

CHAP. DLXCIV.

An ACT for the appropriation of Money.

Approved February 14, 1820.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following allowances be made to persons hereafter mentioned, to wit:

To the Speakers of the Senate and House of Representatives, four dollars per day each.

To speakers of senate and H. of Rep's. Clerks.

To the clerks of the senate and house of representatives, sixty dollars per week each.

To the clerks of the committees of the senate and house of representatives, twenty-one dollars per week each.

Committee clerks.

To the sergeant-at-arms of the senate and house of representatives, twenty-one dollars per week each.

Sergeants-at-arms.

To the door-keepers of the senate and house of representatives, twenty-one dollars per week each.

Door-keepers.

To the clerks of the senate and house of representatives, for four days services at the rate of sixty dollars per week each; in addition to the number which the legislature may be in session; which time they will be necessarily employed in

To clerks for additional allowance.

completing the journals; preparing the acts for publication, arranging and filing their papers.

To clerk M. R. for stationary furnished, and for printing during the present session, seventy-eight dollars twelve cents.

For clerk hire To the clerk of the house of representatives, for clerk hire, twenty-five dollars per week during the present session.

Clerk of the senate for stationary. To the clerk of the senate, for stationary furnished, and for printing during the present session, seventy-eight dollars twelve cents.

Clerk hire. To the clerk of the senate, for clerk hire, twenty-five dollars per week during the present session.

Kendall and Russells. To Messrs. Kendall and Russells, public printers, nineteen hundred and forty-three dollars seventy cents, in full of their services up to this date, as per account rendered; also one thousand dollars in advance for the services of the present year.

Wm. Wood. To William Wood, for binding nineteen hundred copies of the acts of the present session of the general assembly, five hundred and seventy dollars, and eighty-five dollars for binding one hundred and seventy copies of the journals of the present session of the house of representatives and senate, to be bound in one volume; one half of which sums to be paid in advance; also for work done for adjutant general, and for the legislature, as per bills, seventy-six dollars thirty-seven cents.

A. Kendall. To Amos Kendall, for making index to laws, December Session, 1818, fifteen dollars.

R. Devine. To Roger Devine, for two hundred and sixty-five loads of wood, at one dollar seventy-five cents per load; four hundred sixty-three dollars seventy-five cents; also, for cutting fuel, furnishing water, candles and candlesticks for the house of representatives, eighty-one dollars.

A. Crockett. To Anthony Crockett, for one hundred and fifty-six loads of wood, at one dollar seventy-five cents per load, two hundred and seventy-three dollars.

J. Crutcher. To John Crutcher, for cutting fuel, furnishing water, candles and candlesticks for the senate

during the present session, eighty-two dollars seventy-five cents.

To John C. Bacon, as per account rendered, J. C. Bacon, for services performed on the governor's square, one hundred and eleven dollars.

To George Baltzell, for powder furnished the G. Baltzell artillery company to fire a national salute, 8th January, 1819, twenty-one dollars twelve and a half cents.

To Nicholas G. Reading, for a press and table N. G. Reading made by him for the house of representatives, one hundred and ninety-two dollars; and one hundred and eight dollars for work and repairs done in the senate chamber, as per account rendered.

To Charles Hutchinson, for a press and table C. Hutchinson for the senate, ninety-seven dollars.

To John J Vest, for sundries, as per account rendered, J. J. Vest, six dollars.

Alexander Ross, for extra work done on a public office, as per bill, twenty-three dollars fifty cents.

To Wade and Stout, for chairs furnished the Wade & Stout senate, fifteen dollars.

To Joseph Smith, for sundry goods furnished J. Smith for senate, forty-four dollars seven cents.

To E. L. Starling, for carpeting for senate, E. L. Starling, eighteen dollars seventy-five cents.

To James G. M'Graw, for painting state-house and papering senate chamber, as per agreement with the commissioners, ninety-one dollars thirty-four cents.

To J. & P. Dudley, for carpeting and sundry other goods for senate, one hundred and seventy-nine dollars thirty-seven cents.

To William Hunter, for set of Littell's laws, W. Hunter, and for goods furnished, thirty-seven dollars.

To Reuben Anderson, for a fire fender for senate, R. Anderson, fifteen dollars.

To Benjamin Hensley, for paper furnished for B. Hensley, papering the senate chamber, seventy-two dollars eighty-two and a half cents.

To Charles Miles, for goods furnished the senate, C. Miles, twenty dollars sixty-two cents.

- Comm'rs. for rebuilding capitol. To the commissioners for rebuilding the capitol, thirty-six dollars and fifty cents, the balance overpaid by them.
- Secretary of state. To the secretary of state, two hundred dollars, in addition to his salary, to enable him to employ a clerk.
- Regis. To Regis (a negro man) for services rendered the house of representatives, ten dollars.
- Belford. To Belford (a negro man) for services rendered the senate, ten dollars.
- D. Jones. To David Jones, for ringing the bell, washing office, &c. fifteen dollars.
- J. Taylor. To Joseph Taylor, for powder furnished the artillery company to fire a national salute, 8th January, 1820, twenty-six dollars.
- S. South. To Samuel South, for plowing up public square, setting it in grass, planting trees and making walks, fifty dollars.
- Jas. Taylor. To James Taylor, for going express for John Rowan, one of the commissioners on the part of this state to settle the boundary line between this state and Tennessee, twelve dollars.
- M. Elder. To Matthew Elder, for chairs, blinds, &c. furnished for the court room of the court of Appeals, four hundred and sixty-one dollars ninety-five cents.
- J. Castleman. To Jacob Castleman, as per account rendered, fifty-seven dollars sixty seven cents.
- Sergeant-at-arms H. R. for F. P. Crockett. To the sergeant-at-arms of the house of representatives, for the use of F. P. Crockett, for carrying a writ of election to Scott, summoning witnesses in the contested election from Jessamine, and in the case of the commonwealth against Joseph Simrall, and attending on the committee, sixty dollars.
- Mrs. Hubbard. To Mrs. Hubbard, for making a carpet for senate chamber, and tacking down same, fifteen dollars.
- A. Stout. To Amos Stout, for work and materials of one sentry box, attached to the north side of the state house, eight dollars.
- J. Farmer. To James Farmer, for taking in and copying the lists of taxable property for Hardin county in 1819, thirty dollars.

To John Brown, William Hunter, Daniel Weisiger, J. Dudley and R. Taylor, two hundred dollars each, for their services in superintending the rebuilding of the state house.

Comm'rs. for rebuilding S. House.

To Nancy White, fifty dollars, the amount subscribed by her late husband, William White, and which has been paid towards rebuilding the capitol.

N. White

Sec. 2. The additional sum of five cents be allowed to the clerk appointed under the fourth section of an act entitled "an act to provide for copying certain records of Fayette county, which were saved when the late quarter session and county court offices were burnt, and to declare the validity thereof, for every hundred words so copied, to be paid agreeable to the provisions of the above recited act.

To the clerk appointed to transcribe records in Fayette.

Sec. 3. *Be it further enacted*, That the keeper of the state house square, be authorised to have a good and substantial plank fence made back of certain buildings situated on the north-west corner of the public square aforesaid; and upon the completion of said fence, the said keeper shall make out an account for the same, which upon being approved by the governor, the auditor shall issue his warrant upon the treasurer for the amount thereof.

To the keeper of the state house yard to make a fence.

RESOLUTIONS.

A Resolution fixing a day for the election of a Senator in Congress.

Approved December 8, 1819.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will on Friday the 10th instant, proceed to the election of a Senator in Congress, for the residue of the term for which the Hon. John J. Crittenden was elected.

A Resolution to appoint a joint Committee to examine the Bank of Kentucky.

Approved December 18, 1819.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a committee of four from the senate and eight from the house of representatives, be appointed to examine the Bank of Kentucky, and report specially the amount of the capital stock of said bank and its branches, distinguishing therein the amount owned by the state, and the amount owned by individuals; also the amount of debts due the same, the money deposited therein, the notes in circulation, and the specie in the principal bank and each of its branches respectively; also whether the said bank hath loaned post-notes issued by them, payable twelve months after date, payable to any independent bank or its officers, and the amount of such loans; also what will be the probable losses of the bank by failures, &c. Also that they enquire into and report such other facts and circumstances relative to the operations and situation of said bank, which in their opinion may be necessary for a true and correct expose of the proceedings and situation of the same; and that they also inspect the general accounts of said institution, so as to ascertain the amount of loans, and in what manner they are secured, and that they have power to send for persons, papers and records.

A Resolution relative to the admission of the Territory of Missouri into the Union, upon the footing of original states.

Approved January 3, 1820.

WHEREAS, The constitution of the United States provides for the admission of new states into the Union, and it is just and proper that all such states should be established upon the footing of original states, with a view to the preservation of state sovereignty, the prosperity of such new states, and the good of their citizens; and whereas successful attempts have been heretofore made, and are now making to prevent the people of the territory of Missouri from being admitted into the union as a state, unless trammelled by rules and regulations which do not exist in the original states, particularly in relation to the toleration of slavery. Whereas also, if congress can thus trammel or control the powers of a territory in the formation of a state government, that body may, on the same principles, reduce its powers to little more than those possessed by the people of the district of Columbia, and whilst professing to make it a sovereign state, may bind it in perpetual vassalage, and reduce it to the condition of a province; such state, must necessarily become the dependant of congress, asking power, and not the independent state demanding rights. And whereas it is necessary, in preserving the state sovereignties in their present rights, that no new state should be subjected to this restriction, any more than an old one, and that there can be no reason or justice why it should not be entitled to the same privileges, when it is bound to bear all the burthens and taxes laid upon it by congress.

In passing the following resolution, the general assembly refrains from expressing any opinion either in favour or against the principles of slavery; but to support and maintain state rights, which it conceives necessary to be supported and maintained, to preserve the liberties of the free people of these United States, it avows its solemn conviction, that the states already confederated under one common constitution, have not a right to deprive new states of equal privileges with themselves: Therefore,

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the senators in congress from this state be instructed, and the representatives be requested to use their efforts to procure the passage of a law, to admit the people of Missouri into the Union as a state, whether those people will sanction slavery by their constitution or not.

Resolved, That the executive of this commonwealth, be requested to transmit this resolution to the senators and representatives of this state in congress, that it may be laid before that body for its consideration.

A Resolution fixing a day for the election of Treasurer, Public Printer, also a President and Directors of the Bank of Kentucky on the part of the state.

Approved January 7, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will on Friday the 14th instant, proceed to the election of Treasurer and Public Printer, also a President and Directors of the bank of Kentucky on the part of the state.

A Resolution requesting the acting governor to procure a national salute to be fired on the 8th of January, 1820.

Approved January 7, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the acting governor be, and he is hereby requested to procure the Artillery company of Frankfort, to fire a national salute on the public square on the eighth instant, at twelve o'clock, in commemoration of the victory at New Orleans on the 8th January 1815.

Resolved, That in repeating our wishes to commemorate the unparalleled victory of the 8th January 1815, we cherish the gratitude and admiration we feel for our brave countrymen who achieved it.

A Resolution providing for an adjustment of the Boundary Line between this state and the state of Tennessee, and giving instructions to our Commissioners for that purpose.

Approved January 28, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That this legislature will ratify and establish Walker's line east of the Tennessee river, and Alexander's line west of said river, as the boundary between this state and the state of Tennessee, provided that the following incidental points be settled and adjusted in the following manner, to wit :

FIRST.—That all vacant and unappropriated land, lying east of the Tennessee river, north of latitude $36^{\circ} 30'$ north, shall be subject to be appropriated by this commonwealth.

SECOND.—No claim to lands west of Tennessee river, north of Alexander's line, derived from Tennessee or North Carolina, shall be ratified or confirmed.

THIRD.—Claims to land east of the Tennessee river, between Walker's line and the latitude $36^{\circ} 30'$ north, derived from the state of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker's line; but such claims shall be considered as rightfully entered or granted; and the claimants may enter upon said land, or assert their rights in the courts of justice without prejudice by lapse of time, or from any statute of limitations for any period prior to the settlement of the boundary between the two states; saving, however, to the holders and occupants of conflicting claims, if any there be, the right of shewing such entries or grants to be invalid and of no effect, or that they have paramount and superior titles to the land covered by such Virginia claims; and all claims of citizens of Kentucky or Tennessee, to lands included between Walker's line, when extended from the Cumberland river, near the mouth of Oby's river to its termination on Cumberland mountain, and the latitude of $36^{\circ} 30'$ north, whether derived from Kentucky, Virginia, North Carolina or Tennessee, to stand on an equal footing as to the validity of the laws of said states respectively, under which the same may be derived, as though the same were within the boundary of either.

Resolved, That the commissioners appointed on the part of this state, to confer with the commissioners appointed on the part of the state of Tennessee, be, and they are hereby requested to renew the negotiation upon the subject of boundary between the two states, taking the foregoing resolution as the basis of concession and settlement in relation to the unfortunate controversy subsisting between the two states.

A Resolution fixing on a day for the election of Trustees of the Transylvania University.

Approved February 9, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will on Monday the seventh of Febru.

ary, proceed to the election of thirteen trustees to preside over the Transylvania University and its concerns, agreeable to an act approved February 6, 1818.

A Resolution appropriating a room in the State House to the use of the Secretary of State.

Approved February 14, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the secretary of state be permitted to make use of the committee room on the third floor of the state house, for the purpose of depositing in boxes, well secured, the acts and journals of the legislature of this state; the acts of congress, state papers, and such other books now in his office, or which may hereafter be received, that are not necessary to be retained for distribution.

A Resolution providing for the purchase and disposition of a certain number of Munsell's Map of Kentucky.

Approved February 14, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the secretary of state be directed to purchase a sufficient number of copies of Munsell's Map of Kentucky, to be appropriated in the following manner: One for the government house; one for the senate chamber; one for the representative chamber; one to each of the public offices in Frankfort; and one to each county court, to be kept in the clerk's office of the county; two to the Transylvania University; and one to each public seminary of learning in the state; and that the amount of said purchase be deducted by the auditor of public accounts from the debt due by said Munsell to the state at the subscription price of said maps.

Resolved, That an indulgence of the term of one year be granted to the said Munsell to pay the balance of the debt due by him to the commonwealth.

A Resolution concerning the Printing, Binding and distributing the Acts and Journals of the present session of the General Assembly.

Approved February 14, 1820.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That nineteen hundred copies of the laws, and three hundred copies of the journals of the present session of the legislature, be printed by the public printer, and bound by William Wood, and be delivered to the secretary of state for immediate distribution: *Provided*, that after supplying each member of the legislature with a copy of the journals of each [house,] and the clerks of the senate and house of representatives, the remaining copies shall be retained in the secretary's office, subject to be called for from time to time, as they may be wanted for the use of the subsequent legislatures.

Resolved, That the acting governor be requested to employ Col. Anthony Crockett, sergeant-at-arms of the senate, to distribute said laws and journals.

A Resolution appointing committees to examine the Public Offices and the Penitentiary.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the senate and six from the house of representatives, be appointed to examine and report the state of the treasurer's office; and that four from the senate, and eight from the house of representatives, be appointed to examine and report the state of the register's office; that five from the senate, and ten from the house of representatives, be appointed to examine and report the state of the auditor's office; and that four from the senate, and ten from the house of representatives, be appointed to examine into, and report the state of the penitentiary.

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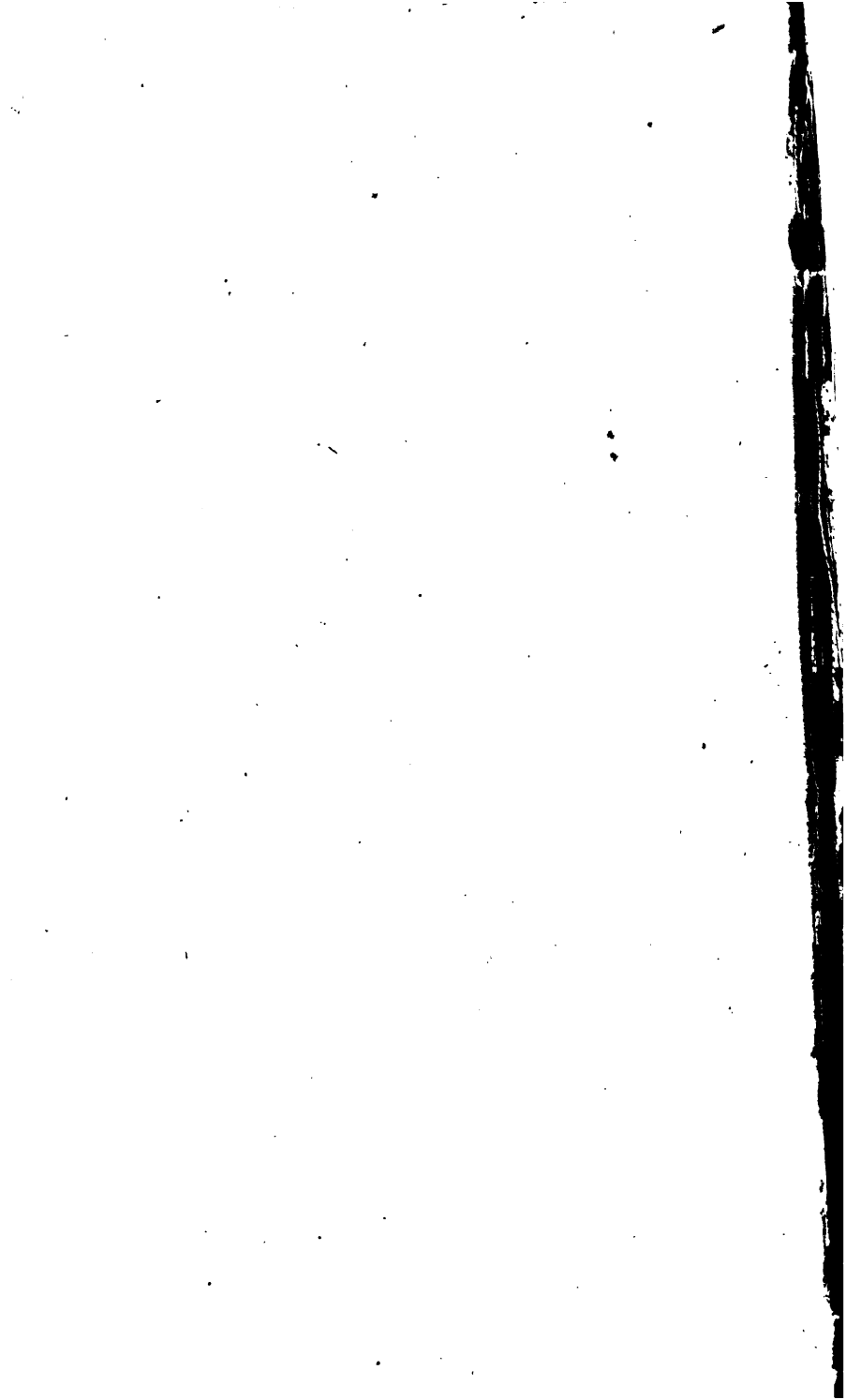
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